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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. SNOWBARGER].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 4, 1997.

I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1026) ''An Act to reauthorize the Export-Import Bank of the United States,'' agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. GRAMS, Mr. HAGEL, Mr. SARBANES, and Ms. MOSELEY-BRAUN, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1139) ''An Act to reauthorize the programs of the Small Business Administration, and for other purposes,'' with an amendment.

The message also announced that pursuant to Public Law 105–33, the Chair, on behalf of the majority leader, and in consultation with the Democratic leader, announces the appointment of the following members of the National Bipartisan Commission on the Future of Medicare:

The Senator from Nebraska [Mr. KERREY]; and

The Senator from West Virginia [Mr. ROCKEFELLER].

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida [Mr. DIAZ-BALART] for 5 minutes.

SHAME ON VENEZUELA

Mr. DIAZ-BALART. Mr. Speaker, a few years ago, actually more than 6 or 7 years ago, the gangster who used to be the President of Mexico, Carlos Salinas, and his accomplice in some crimes and other activities, the former Prime Minister of Spain, Felipe Gonzalez, created a conference that meets every year named the Iberoamericana Summit and they invite the Latin American countries, heads of state and government, and of Spain and Portugal. They all curtsy to the king of Spain as though Spain still rules in this hemisphere every year when they meet, but the main purpose of Carlos Salinas' and Felipe Gonzalez' little gathering was to bring into the club and give credence and help out in every way possible their friend and certainly their accomplice in business and crime, the dictator of Cuba.

So the decrepit tyrant is invited every year to these meetings of elected heads of state and government, and he sits there and he demagogues and offends the United States and lies about history, and of course offends even his own people, the people of Cuba, year in and year out.

It is grotesque that they have invited to that putrid system that they created called the Iberoamericana Summit, it is putrid because of the fact that it was born with that tyrant and it is offensive that they invite that tyrant year in and year out.

In a few days they will have another meeting, this time in Venezuela, with the decrepit tyrant, which of course the good news is not only is he decrepit and in his last months, but certainly his last years, because the good Lord is finally deciding to take him away.

But something happened yesterday in Venezuela as they prepare for the summit in a few days where they have invited again the decrepit, bloody tyrant and will treat him with all of the honors which really, Mr. Speaker, is beyond the pale. Cuban exile organizations went, as they have gone every year, to meet with all who will listen, to meet with the press, to have press conferences, to denounce what the decrepit, Cuban bloody tyrant does to his people. And the Government of Venezuela, led by President Caldera, yesterday arrested the Cuban exile leaders, some of them, by the way, Venezuelan citizens, and is expelling them from Venezuela so that the decrepit, bloody Cuban tyrant does not even have to have, in the country that he is in, anybody expressing any view in dissent of what the decrepit, bloody Cuban tyrant does to his own people.

So what President Caldera did is not only beyond the pale, it is condemnable, it is grotesque. It has gone beyond appeasement, Mr. Speaker, and it is in fact a disgusting, a disgusting act which now has become cowardly complicity with the torture apparatus of the decrepit tyrant in Havana.

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Shame on Venezuela, shame on Rafael Caldera. This will go down in history as something that will mark his history forever. The Cuban people, when the Venezuelans suffered a dictatorship, were hosts to Caldera and to other democratic leaders of Venezuela, in solidarity and in friendship, during the dictatorship of Perez Jimenez, and other dictatorships that the Venezuelans have to suffer.

Now, notice how the Cuban people are reciprocated by leaders, mediocre leaders, such as this man, Rafael Caldera. The Cuban people will not forget and the friends of the Cuban people in the United States and elsewhere will not forget this act of cowardice, this shameful act of cowardice. This is an act of mediocrity and an act of cowardice and shamefulness.

If there is any dignity left, Mr. Speaker, in the Venezuelan Government, they must forthwith apologize and readmit the Cuban exile leaders so that they may peacefully be able to express dissent against the horror, the oppression, the murder, the torture, the random arrests that the Cuban tyrant is continuing to engage in to this moment against the Cuban people.

While a nation of 11 million people die at the hands of a murderous madman, much of the world and especially this hemisphere, Mr. Speaker, is led by men who make the word ''mediocrity'' seem like statesmanship in comparison. Men who are more than mediocre, men who commit acts of shame such as the one committed by Caldera. Shame on Venezuela.

DO THE SCIENCE FIRST

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

Mr. KLINK. Mr. Speaker, I rise today to speak on behalf of nearly 200 Members of the House of Representatives, nearly 200 Members who have decided that they want to take some action in a bipartisan fashion to ensure the health of the people of this Nation and, while ensuring the health of the people of this great Nation, also ensuring the prosperity of this Nation's economy and of the industries that lead to that great economy and participate in that great economy.

What I am talking about is an action which was announced about a year ago about the EPA. Director Carol Browner said that she did not think that the air quality standards were strict enough, that there was some evidence resulting from a reexamination that was ordered by a court because the EPA lost in court to the American Lung Association. And so they had to take a look at something called particulate matter, which is measured right now at one standard and they now want to begin measuring it at a finer standard. They want to go from P.M.-10 microns to P.M.–2.5.

My friends who run the Committee on Commerce and the Subcommittee on Oversight and Investigations, under the leadership of the gentleman from Texas [Mr. BARTON], have done I think a tremendous job and are to be lauded in taking a look at this issue and conducting oversight to see what are the ramifications of changing these regulations.

First of all, we found out that there are only 50 monitors in this Nation that can measure P.M.–2.5. Then we find out, when Carol Browner speaks in front of the Committee on Agriculture on September 16 of this year, that these new rules that she wants to promulgate will not take effect, according to her, they are not going to enforce them, until 2009.

Now, the question comes up, why in the world do we want to promulgate new regulations that we are not going to enforce for over a decade? Why would we do that? Because we need to understand what industry has to do in planning to make capital investment. They have to plan today for what the rules will be in 2005, 2006, 2007, 2008, 2009 because they are making long-term investments, and we have not yet done the science. So nearly 200 Members of this House, 142 from the Republican side and 55 from the Democratic side, have joined together and said to the EPA, wait a minute. Let us do the science first.

We are willing, as Republicans and Democrats, to work together to give $300 million to build the monitors that can be installed across this great Nation to determine how much of a problem P.M.–2.5 is, and is there a difference in the health impact of different kinds of particulate matter, or is there a difference when that fine particulate matter is mixed with other kinds of pollutants? We do not know the answer to either of those questions, Mr. Speaker.

So the Republicans and Democrats, working together, said we will spend the money, we will authorize the spending of that money so that this Nation's scientists and this Nation's industries and this Nation's health professionals will know what is the impact of P.M.–2.5.

We want to make sure that if Carol Browner is correct, we are headed in the right direction, and that we do it before 2009. So we asked for a 5-year moratorium. We asked that these rules not be promulgated and that we continue to work on the current clean air standards during the time the study is occurring. Both Ms. Browner, the administration, and those of us in Congress agree that the Clean Air Act is working. As we clean the air, we have seen a higher incidence of asthma. Why is that, Mr. Speaker? We do not know. Perhaps something in this study can help us.

So we have introduced a bill known as H.R. 1984, along with the gentleman from Michigan [Mr. UPTON], my Republican colleague, and the gentleman from Virginia [Mr. BOUCHER], my Democratic colleague; we have worked this bill. When many people wanted to attack the EPA for being shortsighted, for rushing to judgment, we said, let us do this correctly. Let us give this money to the EPA so that that agency can do the science.

Then the EPA comes before the Committee on Commerce and says well, we are very concerned. Fifteen thousand people a year are dying prematurely because this new standard has not been impacted, and 100,000 people have lung diseases each year because this is not the standard. Well, why wait until 2009? We think that our bill, H.R. 1984, with 200 sponsors or nearly 200 cosponsors, Mr. Speaker, should be moved immediately and I ask the Republican leadership to move that bill, to not embarrass 142 of their Republican colleagues who have signed on to the bill and the 55 Democrats who have done likewise.

RECESS

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

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

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

As You have created a formation of the world and the majesty of the heavens, O God, so Your spirit also touches us in the commonplace and ordinary events of the day. So may we see Your presence in great affirmations and momentous occurrences but also in those modest moments when the world does not notice, that we can see Your hand of grace touching individuals' lives and allowing us to sense Your love and comfort. May Your presence, O gracious God, that is new every morning and washes away the doubt of the day, be with all Your people now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

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

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day.

The Clerk will call the first individual bill on the Private Calendar.

JOHN ANDRE CHALOT

The Clerk called the bill (H.R. 2732) for the relief of John Andre Chalot.

There being no objection, the Clerk read the bill as follows:

H.R. 2732

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

SECTION 1. MODIFICATION OF EFFECTIVE DATE OF NATURALIZATION OF JOHN ANDRE CHALOT.

Notwithstanding title III of the Immigration and Nationality Act, any predecessor provisions to such title, or any other provision of law relating to naturalization, for purposes of determining the eligibility of John Andre Chalot for relief under the Agreement Between the Government of the United States and the Government of the Federal Republic of Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, signed at Bonn on September 19, 1995, John Andre Chalot is deemed to be a naturalized citizen of the United States as of September 3, 1943.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROY DESMOND MOSER

The Clerk called the bill (H.R. 2731) for the relief of Roy Desmond Moser.

There being no objection, the Clerk read the bill as follows:

H.R. 2731

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

SECTION 1. MODIFICATION OF EFFECTIVE DATE OF NATURALIZATION OF ROY DESMOND MOSER.

Notwithstanding title III of the Immigration and Nationality Act, any predecessor provisions to such title, or any other provision of law relating to naturalization, for purposes of determining the eligibility of Roy Desmond Moser for relief under the Agreement Between the Government of the United States and the Government of the Federal Republic of Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, signed at Bonn on September 19, 1995, Roy Desmond Moser is deemed to be a naturalized citizen of the United States as of August 8, 1942.

Mr. DELAHUNT. Mr. Speaker, the relief provided by this legislation is of exceptional urgency, and I want to express my appreciation to Chairman HYDE, Chairman SMITH, Mr. CONYERS, and Mr. WATT, for their cooperation and assistance in bringing this legislation forward on an expedited basis.

These bills concern two men, now in their seventies, who have been American citizens for over 50 years. Each served in the Armed Forces of the United States during World War II, and each was captured by the Nazis and interned at the infamous concentration camp known as Buchenwald.

The first man, Roy Desmond Moser, was held as a prisoner of war at Stalag 9B, one of the most brutal of the Nazi POW camps. From there, he and 350 of his American comrades were transported to Berga, a sub-camp of Buchenwald. There they were confined in unhealthy, degrading and inhumane conditions, subsisting on a starvation diet, subjected to forced labor, and brutalized by camp guards. After only 6 weeks at Berga, 24 had perished from starvation, overwork, disease and physical abuse. In early April 1945, the remaining prisoners were driven on a death march away from the advancing Allied front. Of the 280 American POW's who survived, most weighed less than 90 pounds when they were finally liberated.

The second man, John Andre Chalot, was too young to enlist in the U.S. Army, so he went to Canada and joined the Royal Canadian Air Force. He flew Spitfires with the RCAF based in England from 1940 to 1943, and transferred to the U.S. Army Air Corps, 358th Fighter Squadron, in 1943, receiving a commission as a second lieutenant. Early in 1944, Mr. Chalot was flying a P–51 mission over Germany when his plane was hit and he crash-landed in Holland. With the help of the Resistance, he managed to get to Paris, but was arrested and imprisoned there. In August 1944, he and his fellow prisoners, including 168 Allied airmen, were crowded into boxcars and transported to Buchenwald, where they suffered extreme deprivations and were even subjected to Nazi medical experiments. Mr. Chalot and most of his fellow airmen were eventually transferred to Stalag Luft III, a POW camp, where they remained until their liberation.

After the war, both men returned to the United States to resume their lives. Mr. Moser retired after 32 years on the Boston police force and lives with his family in Holbrook, MA. Mr. Chalot is a retired postal worker in Bradenton, FL.

Up to this point, their stories are not dissimilar from those of the hundreds of other American POW's who were transported to the death camps. But unlike their comrades-in-arms, Mr. Moser and Mr. Chalot discovered after the war that they were not American citizens. Mr. Moser had come to the United States from Canada at the age of 6 months; Mr. Chalot had immigrated from France before the age of 2. Neither had been naturalized at the time of their military service, although both were granted citizenship upon their return.

The fact that they were not American citizens had made no difference to the U.S. Army, nor had it prevented the Third Reich from sending them to Buchenwald. But 50 years later, when they applied under a United States-German agreement for compensation as American nationals who were victims of Nazi persecution, each was informed that he was not eligible because he was not a U.S. citizen at the time.

I am sure all of my colleagues would agree that this is a great injustice which we must correct. The bills under consideration would make Mr. Moser and Mr. Chalot eligible for compensation by deeming them to be naturalized U.S. citizens as of the date they began their military service. It is urgent that we pass these bills now, because the State Department is about to forward to the German Government the list of those who are eligible to participate in the program.

After what these men suffered in the service of our country, this is truly the least we can do.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

COMBINED FEDERAL CAMPAIGN

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

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to tell all of our coworkers in the Federal Government about the Combined Federal Campaign.

For nearly 40 years, Federal workers have been contributing to local and national charities through the Combined Federal Campaign. When we give to the Combined Federal Campaign in the Washington area, 96 cents of every $1 goes directly to the charities of our choice.

I urge everyone to find a charity to champion. As my colleagues know, I wear both a Habitat for Humanity pin and Earning by Learning pin, because I think those are programs that are very helpful.

There are over 2000 local, national, and international organizations listed in the Combined Federal Campaign catalog. Your contribution can be automatically deducted from your paycheck.

Some of you may not think your small contribution can make a difference, but it can. I just want to suggest that for the price of 2 movie tickets deducted from your paycheck every month, you can send one disadvantaged child in the inner city to 5 life-changing days at a summer camp; $20 a month buys a light-weight wheelchair for a person with a disability; $30 a month provides equipment to establish a clinic for several villages in the Third World; $5 a month can buy 16 bottles of propane to instruct disadvantaged women in welding techniques for job training. With a one-time gift of $5, we can feed one Rwandan refugee child for 20 days.

I want to thank Jay Eagen for his leadership in chairing the campaign. I urge every Member and House staffer to contact the key worker in your office and consider supporting the campaign today.

JOHN NATHAN STURDIVANT: LEADER AND VISIONARY

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

Mr. ABERCROMBIE. Mr. Speaker, on rare occasions during our lifetimes, we have the opportunity to encounter an extraordinary individual. One such individual is John Nathan Sturdivant, president of the American Federation of Government Employees. His recent death was a heavy blow for Federal workers, their families, and for all of us who admired the qualities that he brought to his work.

John Sturdivant served our country as a member of the Armed Forces and as a civilian employee. As a leader of the AFGE, he continued to serve by representing the Federal employees who translate policy in the actual operations of the Federal Government. To this task, John Sturdivant brought the qualities of vision and leadership. He supported Federal employees working with managers to make Government more efficient, productive, and cost effective. At the same time, he remained a labor leader, dedicated to the principle of collective bargaining and the dignity of working people.

May I conclude, Mr. Speaker, with a personal note. John Sturdivant displayed throughout his final months extraordinary bravery and commitment. He worked without ceasing as long as he was physically capable. His attitude and demeanor never reflected his pain and distress. He was devoted to the AFGE, its principles and its people to the end of his life. His dedication to service on behalf of the American public was unfailing. All of us who address the public interests can only hope to live up to the standards set by John Sturdivant.

John Sturdivant had the capacity to inspire loyalty and the ability to enlarge the vision of those with whom he worked. These are the qualities of a true leader.

To his daughter Michelle, to his family and to the membership of the American Federation of Government Employees, we extend our deepest sympathy. John Sturdivant was one of those who made the world a better place than he found it. He will be deeply missed by all of us.

THE UNITED STATES-CARIBBEAN BASIN TRADE PARTNERSHIP ACT

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

Mr. BEREUTER. Mr. Speaker, I rise in support of the United States-Caribbean Basin Trade Partnership Act, because it will strengthen the mutually beneficial relationship that exists between the United States and the smaller countries of the Caribbean Basin.

Due in large part to the Caribbean Basin initiative, which was proposed by President Reagan in 1982 and passed by the Congress in 1983, trade between the United States and Caribbean Basin nations have more than doubled in the past dozen years and now equal close to $30 billion a year. During that time, U.S. trade with the CBI region has generated roughly 18,000 new export-oriented jobs each year. What was once a trade deficit of $2.7 billion with the Caribbean is now a United States trade surplus of over $1 billion.

Mr. Speaker, passage of H.R. 2644 will strengthen the United States-Caribbean Basin trade partnership while at the same time enhancing the competitiveness of United States firms and workers. I strongly urge my colleagues to support this important bill.

VOTE ''NO'' ON NAFTA EXPANSION

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

Mr. TRAFICANT. Mr. Speaker, let there be no mistake. The vote today on the Caribbean Trade Partnership Act is a litmus test from the White House. They want to pass NAFTA expansion, and the President is twisting arms. In fact, the President is reminding everybody that we must build a bridge to the 21st century.

Now, if that is not enough to repave your off ramp, here is how that bridge really works. The bridge brings in Mexican tomatoes, Canadian beef, illegal immigrants, narcotics, and everything under the sun made in China and Japan. The bridge takes away American jobs. The bridge takes away American factories. The bridge destroys American families.

Beam me up. That is not a bridge the White House is selling; that is a toll road leading to a dead end for American workers. Vote ''no'' today on that partnership act, vote ''no'' on NAFTA expansion.

I yield back the liberal wage jobs we keep sending overseas.

FAST TRACK IS CRITICAL TO THIS COUNTRY

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

Mr. KNOLLENBERG. Mr. Speaker, the House is scheduled to vote this week on a matter essential to the economic vitality of this country, a vote to extend fast track trade negotiating authority to the President. Fast track is a crucial partnership between the President and Congress. My colleagues will remember that Presidents Nixon, Carter, Reagan, and Bush all used this authority to negotiate open markets with foreign governments in good faith.

The United States has benefited from these negotiations. Since fast track expired in 1994, foreign governments have refused to enter into trade negotiations with the United States. These countries continue to open trade and investments for their own companies and their own workers, while retaining barriers against U.S. exports.

Without fast track, we risk being left behind. It does not force Congress to give up its power to oversee the negotiations. Congress simply agrees to vote on a completed trade agreement without any changes. Fast track is critical to this country, to the U.S. leadership in the global economy. Support the extension of fast track.

THE TIME IS NOW FOR CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker, the Senate has now agreed to a date for a full and fair and open debate on campaign finance reform next March. The American public wants this done, and I believe the majority of Members of the House want this done.

The time has come now for the Republican leadership to agree to set a date for that debate. That debate must be open, it must be fair, it must allow for the consideration of the competing bills for reforming our campaign finance reform system. There is a rule that is at this desk, or a discharge petition to create a rule that would allow that debate on those competing items for reform.

The time has come for the Republican leadership to get out of the way, let the Congress have that debate, let the public watch that debate, because they are hungry for campaign finance reform.

We have spent a year listening to and discovering scandals on both sides of the aisle on the misuse of campaign money, on the overwhelming onslaught of soft money in our system. The time has come to reform it. Mr. Speaker, do it now. Give us a date before we leave town.

PRESIDENT'S POSITION ON TAX RELIEF IS PUZZLING

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

Mr. BALLENGER. Mr. Speaker, I am wondering if some of my liberal friends on the other side of the aisle can help me with a question that is puzzling me. Why is it that it is selfish when we wish to keep what belongs to us, whereas it is compassion when we wish to take what belongs to another? I suppose by your own logic, it is selfish to lock your doors at night when you want to keep what you have earned.

I guess all of the hard work and sacrifice that goes into earning what belongs to you, that is forgotten, because the liberals are busy today talking about how compassionate they are spending other people's money.

Now we have the President of the United States on record showing what side he is on. Yesterday he called those of us that want tax cuts selfish. The President thinks that ordinary Americans ought to be condemned for thinking that the Government could get by on a little less, that families ought to have a little bit more.

It is kind of puzzling, is it not?

NEBRASKA NEEDS FAST TRACK

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

Mr. BARRETT of Nebraska. Mr. Speaker, Nebraska needs more export opportunities abroad in order to attract and retain businesses and jobs. Nebraska needs fast track.

From 1987 to 1996, Nebraska's exports increased almost 646 percent. Our top exports in 1996 were food products at $1.4 billion, followed by agriculture and livestock at $229 million, industrial machinery and computers, $193 million, electronic equipment at $131 million, and so on and so forth.

Last year our top exporting partners were Japan, Canada, Korea, and Mexico. Without fast track, any of the export gains that we have made could be wiped away as our trade competitors negotiate anti-U.S. trade deals. It simply makes no sense to me why some want the United States to unilaterally disarm itself at the trade bargaining table.

I encourage my colleagues to examine their own States' trade history to see how exports have helped create jobs at home. If your State's history is anything like mine, the answer will be pretty obvious. The United States needs fast track.

AMERICAN PEOPLE SAY TIME FOR TAX CUTS

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

Mr. CHABOT. Mr. Speaker, President Clinton traveled to Virginia yesterday and told voters who favored a tax cut that they were selfish. I am not kidding, he really said that.

In Virginia, like most places, working families pay Federal taxes and State taxes, excise taxes, sales taxes, property taxes, and on and on, but Virginia, many folks pay a particularly odious tax, a car tax, a tax on their own personal vehicle which they must pay to the government year after year again and again. The Republican candidate for Governor of Virginia pledged to eliminate that tax, and that has made the President very angry.

President Clinton is showing us the fundamental difference between conservatives and liberals once again, between those of us who think working Americans pay too much tax and those that believe that the government can always bleed those so-called selfish taxpayers a little bit more.

Mr. Speaker, today the so-called selfish taxpayers and voters of Virginia get to respond to the President. I wonder what they will have to say to him.

□ 1215

THE TAXPAYER PROTECTION ACT OF 1997

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

Mr. GIBBONS. Mr. Speaker, a copy of an internal IRS document sent to my office clearly shows that the IRS is using a quota system in evaluating employee performance, despite the fact that using quotas was made illegal 9 years ago. This memo clearly shows the handwritten comments of an IRS supervisor stating that the monthly total collected by this employee is only 13 percent of the expected or required total. When confronted with this evidence, the IRS took a play right out of the plausible denial handbook of the White House; oh, yes, they said, we are not using quotas, these are just goals.

Plausible denial or goals, whatever the name is or that the IRS assigns to this practice, it must be stopped. I have introduced the Taxpayer Protection Act of 1997, which will once and for all end quotas for the IRS. IRS agents should be determining the correct amount of tax dollars owed, not trying to inflate their numbers so that they may be considered for a promotion.

I urge my colleagues to join me in a fight to once and for all end the use of quotas.

TRIBUTE TO JOHN CARTER, FIREFIGHTER

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

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to John M. Carter, a firefighter in the District of Columbia who died last month in the line of duty. John Carter was a hometown hero, one of a special breed of men who put his life on the line on a constant basis to protect his community. He was the son of a retired Montgomery County, MD, fire chief, and the brother and brother-in-law of two D.C. firefighters. The Washington Post called him ''one of a special breed of heroes that the District of Columbia is fortunate to have on its side.''

John Carter routinely faced the searing heat, choking smoke, clouds of toxic chemicals, and hazardous traffic conditions. He was a First Battalion sergeant who was the first to go into the burning building at Fourth and Kennedy Streets, Northwest. This was typical for John Carter, who is a 15-year veteran firefighter. When the roof collapsed, John Carter was trapped inside, and it was impossible to escape to safety. John Carter's death at age 38 in the line of duty was a tragedy. He is one of those unsung heroes who provides the highest quality of service to our citizens.

I rise to pay tribute to him, his brave family, his wife Deborah, and his son Brian. They deserve the highest recognition for their courage, commitment, and the sacrifices they have made on behalf of all of us.

AN APOLOGY TO VIRGINIANS

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

Mr. KINGSTON. Mr. Speaker, I got up early this morning and went jogging down Independence Avenue. As I did, a lot of hard-working men and women were coming in from Virginia to work. It was early in the morning for these two-income families. They work hard, and they raise kids. Statistically, many of them have two kids. They help them with their homework, try to teach them responsibility. These parents volunteer at the school and the church and the United Way. They often have to sacrifice. They cannot go on vacation because they have to buy a new dryer or a new set of tires. They might have to buy braces for the 14-year-old.

But yesterday, the President of the United States told these hard-working men and women that if you vote Republican today in Virginia, you are selfish. Paying 38 percent total household taxes is not enough. You have to pay more, the President of the United States told these hard-working men and women.

I would say to them that they are doing their best, they are paying taxes, they are not taking things out of society, they are earning their way, they are teaching their children to earn their way, and they are going to become future taxpayers. They are doing more. I wish we had more of these selfish people, Mr. President. I think you owe the people of Virginia an apology.

''SELFISH'' AMERICANS WANT MORE TAX CUTS

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

Mr. BOEHNER. Mr. Speaker, earlier this year a Treasury Department official described Americans who wanted further tax relief as ''selfish.'' Two weeks ago the minority leader in the other body said, and I quote, that he did not think most Americans were overtaxed. So perhaps it should not come as any surprise when I picked up the paper this morning to learn that the President described the people of Virginia as selfish for supporting a tax cut. According to the Washington Times this morning, the President is miffed that voters still want tax cuts, even though the economy has improved.

I have news for the President, the economy has improved because of the hard work and ingenuity of the American people. They work hard to feed their children's appetites, not Washington's appetite to spend money.

The Tax Foundation recently released their latest study showing that government at all levels is taking the biggest bite out of the Americans paychecks in the history of our country. What we need to do is what Washington should do. That is to only take that amount of money that we need to officially run this Government, and not one penny more.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE WALTER H. CAPPS

The SPEAKER pro tempore (Mr. PACKARD). Pursuant to the provisions of House Resolution 286, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Walter H. Capps:

Mr. DELLUMS, California;
Mr. GEPHARDT, Missouri;
Mr. FAZIO, California;
Mr. BROWN, California;
Mr. STARK, California;
Mr. MILLER, California;
Mr. WAXMAN, California;
Mr. DIXON, California;
Mr. LEWIS, California;
Mr. MATSUI, California;
Mr. THOMAS, California;
Mr. DREIER, California;
Mr. HUNTER, California;
Mr. LANTOS, California;
Mr. MARTINEZ, California;
Mr. BERMAN, California;
Mr. PACKARD, California;
Mr. TORRES, California;
Mr. GALLEGLY, California;
Mr. HERGER, California;
Ms. PELOSI, California;
Mr. COX, California;
Mr. ROHRABACHER, California;
Mr. CONDIT, California;
Mr. CUNNINGHAM, California;
Mr. DOOLEY, California;
Mr. DOOLITTLE, California;
Ms. WATERS, California;
Mr. BECERRA, California;
Mr. CALVERT, California;
Ms. ESHOO, California;
Mr. FILNER, California;
Ms. HARMAN, California;
Mr. HORN, California;
Mr. KIM, California;
Mr. MCKEON, California;
Mr. POMBO, California;
Ms. ROYBAL-ALLARD, California;
Mr. ROYCE, California;
Ms. WOOLSEY, California;
Mr. FARR, California;
Mr. RIGGS, California;
Mr. BILBRAY, California;
Mr. BONO, California;
Ms. LOFGREN, California;
Mr. RADANOVICH, California;
Mr. CAMPBELL, California;
Ms. MILLENDER-MCDONALD, California;
Mr. ROGAN, California;
Mr. SHERMAN, California;
Ms. SANCHEZ, California;
Mrs. TAUSCHER, California;
Mr. SENSENBRENNER, Wisconsin;
Mr. KENNEDY, Rhode Island;
Mr. JACKSON, Illinois;
Mr. JOHNSON, Wisconsin; and
Ms. CHRISTIAN-GREEN, Virgin Islands.

ADDITION OF NAME OF MEMBER AS COSPONSOR OF H.R. 2676

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the name of gentleman from Ohio [Mr. TRAFICANT] be added as a cosponsor to H.R. 2676.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio will be added by the original sponsor as an additional cosponsor.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, November 3, 1997.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on November 1, 1997 at 12:00 noon and said to contain a message from the President pursuant to the Line Item Veto Act (P.L. 104–130) transmitting a cancellation with respect to the Department of Transportation and Related Agencies Appropriations Act, 1998.

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment Control Act of 1974, referred to the Committee on the Budget and the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports contained in the ''Department of Transportation and Related Agencies Appropriations Act, 1998'' (Public Law 105–66; H.R. 2169). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1997.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, November 3, 1997.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit correspondence received from the White House on November 1, 1997 at 12:00 noon and said to contain a message from the President pursuant to the Line Item Veto Act (P.L. 104–130) transmitting a cancellation with respect to the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998.

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, pursuant to section 1025(a) of the Congressional Budget and Impoundment Control Act of 1974, referred to the Committee on the Budget and the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

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WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1997.*

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO THE GOVERNMENT OF SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-166)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have exercised my statutory authority to declare that the policies of the Government of Sudan constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and to declare a national emergency to deal with the threat.

Pursuant to this legal authority, I have blocked Sudanese governmental assets in the United States. I have also prohibited certain transactions, including the following: (1) the importation into the United States of any goods or services of Sudanese origin, other than information or informational materials; (2) the exportation or reexportation to Sudan of any nonexempt goods, technology, or services from the United States; (3) the facilitation by any United States person of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any destination; (4) the performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan; (5) the grant or extension of credits or loans by any United States person to the Government of Sudan; and (6) any transaction by any United States person relating to transportation of cargo to, from, or through Sudan, or by Sudanese vessel or aircraft.

We intend to license only those activities that serve U.S. interests. Transactions necessary to conduct the official business of the United States Government and the United Nations are exempted. This order and subsequent licenses will allow humanitarian, diplomatic, and journalistic activities to continue. Other activities may be considered for licensing on a case-by-case basis based on their merits. We will continue to permit regulated transfers of fees and stipends from the Government of Sudan to Sudanese students in the United States. Among the other activities we may consider licensing are those permitting American citizens resident in Sudan to make payments for their routine living expenses, including taxes and utilities; the importation of certain products unavailable from other sources, such as gum arabic; and products to ensure civilian aircraft safety.

I have decided to impose comprehensive sanctions in response to the Sudanese government's continued provision of sanctuary and support for terrorist groups, its sponsorship of regional insurgencies that threaten neighboring governments friendly to the United States, its continued prosecution of a devastating civil war, and its abysmal human rights record that includes the denial of religious freedom and inadequate steps to eradicate slavery in the country.

The behavior of the Sudanese government directly threatens stability in the region and poses a direct threat to the people and interests of the United States. Only a fundamental change in Sudan's policies will enhance the peace and security of people in the United States, Sudan, and around the world. My Administration will continue to work with the Congress to develop the most effective policies in this regard.

The above-described measures, many of which reflect congressional concerns, will immediately demonstrate to the Sudanese government the seriousness of our concern with the situation in that country. It is particularly important to increase pressure on Sudan to engage seriously during the current round of negotiations taking place now in Nairobi. The sanctions will also deprive the Sudanese government of the material and financial benefits of conducting trade and financial transactions with the United States.

The prohibitions set forth in this order shall be effective as of 12:01 a.m., eastern standard time, November 4, 1997, and shall be transmitted to the Congress and published in the *Federal Register.* The Executive order provides 30 days in which to complete trade transactions with Sudan covered by contracts that predate the order and the performance of preexisting financing agreements for those trade initiatives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 3, 1997.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

UNITED STATES-CARIBBEAN TRADE PARTNERSHIP ACT

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2644) to provide to beneficiary countries under the Caribbean Basin Economic Recovery Act benefits equivalent to those provided under the North American Free Trade Agreement.

The Clerk read as follows:

H.R. 2644

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Caribbean Trade Partnership Act''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) The economic security of the countries in the Caribbean Basin is potentially threatened by the diversion of investment to Mexico as a result of the North American Free Trade Agreement.

(3) Offering NAFTA equivalent benefits to Caribbean Basin beneficiary countries, pending their eventual accession to the NAFTA or a free trade agreement comparable to the NAFTA, will promote the growth of free enterprise and economic opportunity in the region, and thereby enhance the national security interests of the United States.

(4) Countries in the Western Hemisphere offer the greatest opportunities for increased exports of United States textile and apparel products.

(5) Given the greater propensity of countries located in the Western Hemisphere to use United States components and to purchase United States products compared to other countries, increased trade and economic activity between the United States and countries in the Western Hemisphere will create new jobs in the United States as a result of expanding export opportunities.

(b) POLICY.—It is the policy of the United States—

(1) to offer to the products of Caribbean Basin partnership countries tariffs and quota treatment equivalent to that accorded to products of NAFTA countries, and to seek the accession of these partnership countries to the NAFTA or a free trade agreement comparable to the NAFTA at the earliest possible date, with the goal of achieving full participation in the NAFTA or in a free trade agreement comparable to the NAFTA by all partnership countries by not later than January 1, 2005; and

(2) to assure that the domestic textile and apparel industry remains competitive in the global marketplace by encouraging the formation and expansion of ''partnerships'' between the textile and apparel industry of the United States and the textile and apparel industry of various countries located in the Western Hemisphere.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) PARTNERSHIP COUNTRY.—The term ''partnership country'' means a beneficiary country as defined in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(3) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(4) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SEC. 4. TEMPORARY PROVISIONS TO PROVIDE NAFTA PARITY TO PARTNERSHIP COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) EQUIVALENT TARIFF AND QUOTA TREATMENT.—During the transition period—

''(i) the tariff treatment accorded at any time to any textile or apparel article that originates in the territory of a partnership country shall be identical to the tariff treatment that is accorded at such time under section 2 of the Annex to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States;

''(ii) duty-free treatment under this title shall apply to any textile or apparel article that is imported into the United States from a partnership country and that—

''(I) is assembled in a partnership country, from fabrics wholly formed and cut in the United States from yarns formed in the United States, and is entered—

''(aa) under subheading 9802.00.80 of the HTS; or

''(bb) under chapter 61, 62, or 63 of the HTS if, after such assembly, the article would have qualified for treatment under subheading 9802.00.80 of the HTS, but for the fact the article was subjected to bleaching, garments dyeing, stone-washing, enzyme-washing, acid-washing, perma-pressing, oven-baking, or embroidery; or

''(II) is knit-to-shape in a partnership country from yarns wholly formed in the United States;

''(III) is made in a partnership country from fabric knit in a partnership country from yarns wholly formed in the United States;

''(IV) is cut and assembled in a partnership country from fabrics wholly formed in the United States from yarns wholly formed in the United States; or

''(V) is identified under subparagraph (C) as a handloomed, handmade, or folklore article of such country and is certified as such by the competent authority of such country; and

''(iii) no quantitative restriction or consultation level may be applied to the importation into the United States of any textile or apparel article that—

''(I) originates in the territory of a partnership country, or

''(II) qualifies for duty-free treatment under subclause (I), (II), (III), (IV), or (V) of clause (ii).

''(B) NAFTA TRANSITION PERIOD TREATMENT OF OTHER NONORIGINATING TEXTILE AND APPAREL ARTICLES.—

''(i) PREFERENTIAL TARIFF TREATMENT.—Subject to clause (ii), the President may place in effect at any time during the transition period with respect to any textile or apparel article that—

''(I) is a product of a partnership country, but

''(II) does not qualify as a good that originates in the territory of a partnership country or is eligible for benefits under subparagraph (A)(ii),

tariff treatment that is identical to the in-preference-level tariff treatment accorded at such time under Appendix 6.B of the Annex to an article described in the same 8-digit subheading of the HTS that is a product of Mexico and is imported into the United States. For purposes of this clause, the 'in-preference-level tariff treatment' accorded to an article that is a product of Mexico is the rate of duty applied to that article when imported in quantities less than or equal to the quantities specified in Schedule 6.B.1, 6.B.2., or 6.B.3. of the Annex for imports of that article from Mexico into the United States.

''(ii) LIMITATIONS ON ALL ARTICLES.—(I) Tariff treatment under clause (i) may be extended, during any calendar year, to not more than 45,000,000 square meter equivalents of cotton or man-made fiber apparel, to not more than 1,500,000 square meter equivalents of wool apparel, and to not more than 25,000,000 square meter equivalents of goods entered under subheading 9802.00.80 of the HTS.

''(II) Except as provided in subclause (III), the amounts set forth in subclause (I) shall be allocated among the 7 partnership countries with the largest volume of exports to the United States of textile and apparel goods in calendar year 1996, based upon a pro rata share of the volume of textile and apparel goods of each of those 7 countries that entered the United States under subheading 9802.00.80 of the HTS during the first 12 months of the 14-month period ending on the date of the enactment of the United States-Caribbean Trade Partnership Act.

''(III) Five percent of the amounts set forth in subclause (I) shall be allocated among the partnership countries, other than those to which subclause (II) applies, based upon a pro rata share of the exports to the United States of textile and apparel goods of each of those countries during the first 12 months of the 14-month period ending on the date of the enactment of the United States-Caribbean Trade Partnership Act.

''(iii) PRIOR CONSULTATION.—The President may implement the preferential tariff treatment described in clause (i) only after consultation with representatives of the United States textile and apparel industry and other interested parties regarding—

''(I) the specific articles to which such treatment will be extended,

''(II) the annual quantities of such articles that may be imported at the preferential duty rates described in clause (i), and

''(III) the allocation of such annual quantities among beneficiary countries.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A), the Trade Representative shall consult with representatives of the partnership country for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) BILATERAL EMERGENCY ACTIONS.—(i) The President may take—

''(I) bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any textile or apparel article imported from a partnership country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to an article described in the same 8-digit subheading of the HTS that is imported from Mexico; or

''(II) bilateral emergency quantitative restriction actions of a kind described in section 5 of the Annex with respect to imports of any textile or apparel article described in subparagraphs (B)(i) (I) and (II) if the importation of such article into the United States results in conditions that would be cause for the taking of such actions under such section 5 with respect to a like article that is a product of Mexico.

''(ii) The requirement in paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not be deemed to apply to a bilateral emergency action taken under this subparagraph.

''(iii) For purposes of applying bilateral emergency action under this subparagraph—

''(I) the term 'transition period' in sections 4 and 5 of the Annex shall be deemed to be the period defined in paragraph (5)(E); and

''(II) any requirements to consult specified in section 4 or 5 of the Annex are deemed to be satisfied if the President requests consultations with the partnership country in question and the country does not agree to consult within the time period specified under such section 4 or 5, whichever is applicable.

''(3) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a partnership country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential tariff treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—In order to qualify for such preferential tariff treatment and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that—

''(I) the partnership country from which the article is exported, and

''(II) each partnership country in which materials used in the production of the article originate or undergo production that contributes to a claim that the article qualifies for such preferential tariff treatment,

has implemented and follows, or is making substantial progress toward implementing

and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(C) PENALTIES FOR TRANSSHIPMENTS.—If the President determines, based on sufficient evidence, that an exporter has engaged in willful illegal transshipment or willful customs fraud with respect to textile or apparel articles for which preferential tariff treatment under subparagraph (A) or (B) of paragraph (2) is claimed, then the President shall deny all benefits under this title to such exporter, and any successors of such exporter, for a period of 2 years.

''(D) STUDY BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each partnership country—

''(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

''(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

''(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to the Congress, not later than October 1, 1998, a report on the study conducted under this subparagraph.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(C) The term 'partnership country' means a beneficiary country.

''(D) The term 'textile or apparel article' means any article referred to in paragraph (1)(A) that is a good listed in Appendix 1.1 of the Annex.

''(E) The term 'transition period' means, with respect to a partnership country, the period that begins on May 15, 1998, and ends on the earlier of—

''(i) July 15, 1999; or

''(ii) the date on which—

''(I) the United States first applies the NAFTA to the partnership country upon its accession to the NAFTA, or

''(II) there enters into force with respect to the United States and the partnership country a free trade agreement comparable to the NAFTA that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)).

''(F) An article shall be deemed as originating in the territory of a partnership country if the article meets the rules of origin for a good set forth in chapter 4 of the NAFTA, and, in the case of an article described in Appendix 6.A of the Annex, the requirements stated in such Appendix 6.A for such article to be treated as if it were an originating good. In applying such chapter 4 or Appendix 6.A with respect to a partnership country for purposes of this subsection—

''(i) no countries other than the United States and partnership countries may be treated as being Parties to the NAFTA,

''(ii) references to trade between the United States and Mexico shall be deemed to refer to trade between the United States and partnership countries, and

''(iii) references to a Party shall be deemed to refer to the United States or a partnership country, and references to the Parties shall be deemed to refer to any combination of partnership countries or the United States.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by adding at the end the following:

''(B)(i) Based on the President's review and analysis described in subsection (f), the President may determine if the preferential treatment under section 213(b) (2) and (3) should be withdrawn, suspended, or limited with respect to any article of a partnership country. Such determination shall be included in the report required by subsection (f).

''(ii) Withdrawal, suspension, or limitation of the preferential treatment under section 213(b) (2) and (3) with respect to a partnership country shall be taken only after the requirements of subsection (a)(2) and paragraph (2) of this subsection have been met.''.

(c) REPORTING REQUIREMENTS.—Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—Not later than 1 year after the date of the enactment of the United States-Caribbean Trade Partnership Act and at the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title, including—

''(1) with respect to subsections (b) and (c) of this section, the results of a general review of beneficiary countries based on the considerations described in such subsections;

''(2) with respect to subsection (c)(4), the degree to which a country follows accepted rules of international trade provided for under the General Agreement on Tariffs and Trade and the World Trade Organization;

''(3) with respect to subsection (c)(9), the extent to which beneficiary countries are providing or taking steps to provide protection of intellectual property rights comparable to the protection provided to the United States in bilateral intellectual property rights agreements;

''(4) with respect to subsection (b)(2) and subsection (c)(5), the extent that beneficiary countries are providing or taking steps to provide protection of investment and investors comparable to the protection provided to the United States in bilateral investment treaties;

''(5) with respect to subsection (c)(3), the extent that beneficiary countries are providing the United States and other WTO members (as such term is defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)) with equitable and reasonable market access in the product sectors for which benefits are provided under this title;

''(6) with respect to subsection (c)(11), the extent that beneficiary countries are cooperating with the United States in administering the provisions of section 213(b); and

''(7) with respect to subsection (c)(8), the extent that beneficiary countries are meeting the internationally recognized worker rights criteria under such subsection.

In the first report under this subsection, the President shall include a review of the implementation of section 213(b), and his analysis of whether the benefits under paragraphs (2) and (3) of such section further the objectives of this title and whether such benefits should be continued.''.

(d) CONFORMING AMENDMENT.—Section 213(a)(1) of the Caribbean Basin Economic Recovery Act is amended by inserting ''and except as provided in section 213(b) (2) and (3),'' after ''Tax Reform Act of 1986,''.

SEC. 5. EFFECT OF NAFTA ON SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

The President shall monitor the effects, if any, that the implementation of the NAFTA has on the access of beneficiary countries under the Caribbean Basin Economic Recovery Act to the United States market for sugars, syrups, and molasses. If the President considers that the implementation of the NAFTA is affecting, or will likely affect, in an adverse manner the access of such countries to the United States market, the President shall promptly—

(1) take such actions, after consulting with interested parties and with the appropriate committees of the House of Representatives and the Senate, or

(2) propose to the Congress such legislative actions,

as may be necessary or appropriate to ameliorate such adverse effect.

SEC. 6. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking ''chapter'' and inserting ''title''; and

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

''(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

''(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

''(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

''(C) when imported into the customs territory of the United States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

''(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spiritous beverages.''.

SEC. 7. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the partnership countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach

agreement between the United States and partnership countries on the likely timing and procedures for initiating negotiations for partnership to accede to the NAFTA, or to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)).

SEC. 8. REPORT ON ECONOMIC DEVELOPMENT AND MARKET ORIENTED REFORMS IN THE CARIBBEAN.

(a) IN GENERAL.—The Trade Representative shall make an assessment of the economic development efforts and market oriented reforms in each partnership country and the ability of each such country, on the basis of such efforts and reforms, to undertake the obligations of the NAFTA. The Trade Representative shall, not later than July 1, 1998, submit to the President and to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on that assessment.

(b) ACCESSION TO NAFTA.—

(1) ABILITY OF COUNTRIES TO IMPLEMENT NAFTA.—The Trade Representative shall include in the report under subsection (a) a discussion of possible timetables and procedures pursuant to which partnership countries can complete the economic reforms necessary to enable them to negotiate accession to the NAFTA. The Trade Representative shall also include an assessment of the potential phase-in periods that may be necessary for those partnership countries with less developed economies to implement the obligations of the NAFTA.

(2) FACTORS IN ASSESSING ABILITY TO IMPLEMENT NAFTA.—In assessing the ability of each partnership country to undertake the obligations of the NAFTA, the Trade Representative should consider, among other factors—

(A) whether the country has joined the WTO;

(B) the extent to which the country provides equitable access to the markets of that country;

(C) the degree to which the country uses export subsidies or imposes export performance requirements or local content requirements;

(D) macroeconomic reforms in the country such as the abolition of price controls on traded goods and fiscal discipline;

(E) progress the country has made in the protection of intellectual property rights;

(F) progress the country has made in the elimination of barriers to trade in services;

(G) whether the country provides national treatment to foreign direct investment;

(H) the level of tariffs bound by the country under the WTO (if the country is a WTO member);

(I) the extent to which the country has taken other trade liberalization measures; and

(J) the extent which the country works to accommodate market access objectives of the United States.

(c) PARITY REVIEW IN THE EVENT A NEW COUNTRY ACCEDES TO NAFTA.—If—

(1) a country or group of countries accedes to the NAFTA, or

(2) the United States negotiates a comparable free trade agreement with another country or group of countries,

the Trade Representative shall provide to the committees referred to in subsection (a) a separate report on the economic impact of the new trade relationship on partnership countries. The report shall include any measures the Trade Representative proposes to minimize the potential for the diversion of investment from partnership countries to the new NAFTA member or free trade agreement partner.

SEC. 9. OVERRULING OF SCHMIDT BAKING COMPANY CASE WITH RESPECT TO SEVERANCE PAY.

(a) IN GENERAL.—The Internal Revenue Code of 1986 shall be applied with respect to severance pay without regard to the result reached in the case of Schmidt Baking Company, Inc. v. Commissioner of Internal Revenue, 107 T.C. 271 (1996).

(b) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe regulations to reflect subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

Mr. CARDIN. Mr. Speaker, may I inquire whether the gentleman from New York [Mr. RANGEL] is opposed to the bill?

Mr. RANGEL. No, Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from Maryland opposed to the bill?

Mr. CARDIN. Yes; and I would ask to claim the time in opposition, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. CARDIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. RANGEL], and I ask unanimous consent that he be permitted to yield further blocks of time in support of the bill.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 2644, the United States-Caribbean Basin Trade Partnership Act. This bill would allow the people of the Caribbean region to compete on a level playing field with their counterparts in the rest of North America.

I firmly believe fostering self-sufficiency through trade, not foreign aid, is the best way to assist our 30 million neighbors living in the Caribbean Basin countries, especially given the relative lack of development in that region.

The bill accomplishes this by granting to the Caribbean Basin partnership countries tariff treatments similar to that accorded to Canada and Mexico for a temporary period of 14 months. I believe that expanding the benefits of the Caribbean Basin initiative on a temporary basis will encourage partnership countries to complete the economic reforms that will be necessary for them to qualify for similar trade benefits on a permanent basis in the future.

For my colleagues who are new to this body, the original Caribbean Basin initiative, or CBI, was passed in 1983 under the leadership of President Reagan and Mr. Sam Gibbons. The program is based on the understanding that it is in the national security interests of the United States to encourage the development of strong democratic governments and healthy economies in neighboring countries of the Caribbean and Central America through the expansion of trade.

Likewise, it is fundamentally in the economic interests of the United States to encourage coproduction arrangements with the region in order to sustain textile and apparel manufacturing operations in the United States under changing competitive conditions.

Since the CBI became law, U.S. trade policy has focused on other geographic areas. The bill before us today assures that our commitment to the Caribbean Basin countries fostered by Ronald Reagan nearly 15 years ago is not eroded over time.

□ 1230

Furthermore, I believe it is important that the United States develop a coherent trade policy that recognizes the economic development needs of Caribbean Basin countries and which does not prejudice their participation in future trade arrangements.

My purpose in pursuing this bill is to foster a policy where CBI countries receive guidance and the necessary incentives to adopt the market opening reforms that will prepare them for further trade liberalization.

I want to emphasize here today that expanding trade with the Caribbean through existing CBI provisions has already been a huge success for U.S. business and workers. During the life of the program, U.S. exports to the region have grown from $5.8 billion in 1983 to over $15.4 billion in 1996. Last year, U.S. exports to the Caribbean Basin grew by 14.5 percent, a rate more than twice as great as the rate of growth in U.S. exports to the rest of the world.

Prior to the original CBI legislation, the United States ran a substantial trade deficit with the region. The United States now has almost a $1 billion annual trade surplus with this group of countries. Moreover, many of the countries in the region regularly import the vast majority of the foreign products they purchase each year from the United States.

As CBI countries expand their success, it translates directly into U.S. economic growth and job creation. Presently, the U.S.-Caribbean commercial relationship supports more than 300,000 jobs in the United States. Virtually every State in the Union has benefited from this relationship. I know my own State of Illinois sold $319 million of exports to the region last year.

Finally, I would remind my colleagues that the provisions of this bill were already approved by the House last summer as part of the balanced budget reconciliation bill. They were dropped in conference at the insistence of the Senate which had not yet considered the measure. However, the Senate Committee on Finance recently reported similar legislation. So consideration of the bill separately today is highly appropriate, now that the other body is beginning to appreciate the importance of expanding trade with the CBI region.

Mr. Speaker, H.R. 2644 was reported from the Committee on Ways and Means by voice vote twice this year and has strong bipartisan support. Let us build on past success and expand the U.S. partnership with our neighbors in the Caribbean Basin. I urge approval of H.R. 2644.

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

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

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

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 2644.

As the gentleman from Illinois [Mr. CRANE] pointed out, in 1983 we saw fit to go into a trade agreement with the small island countries. It was really an emotional experience, as the Committee on Ways and Means visited island after island, to see the love and affection that the people of these countries had. Even though some of them had just first started enjoying democracy, most all of them, then as now, are living through very fragile economies.

There were a lot of Members who thought that we would be big losers in this trade, but as it turned out, and the gentleman from Illinois [Mr. CRANE] has pointed out, we have had a tremendous increase in exports to these countries, over 150 percent over the last 12 years.

But the most exciting thing to see when you do visit these countries is, every place you go it says, ''Made in the U.S.A.'' It is ''Made in the U.S.A.'' because we have been more than just trading partners, we have really been friends, and this friendship is now being tested as we see the devastating effects that the North American Free Trade Agreement has had on these small countries.

I know that NAFTA had been controversial when it was first passed. I know it is controversial today. I know some Members, when they see NAFTA, they want to vote against anything that looks like an extension of it. But if they would just pause and see that what has happened is that the passage of NAFTA has caused the advantages, or the parity, that we had hoped to give to the people on these islands to put them at a definite disadvantage as we find that trade that normally we would be doing with these Caribbean countries is now going on in Mexico.

So it means that friends of the Caribbean and the United States that have promised that we were going to give them a level playing field are now coming today saying, ''I do not like NAFTA.'' It seems to me that we should not hold these small countries hostage because of a disadvantage that they are now suffering because of legislation or trade agreements that some Members may have.

Please remember that we are not talking about North Vietnam. We are not talking about North Korea. We are not talking about Communist China. We are talking about traditional friends that are going through some very hard economic times, that we have never had to beg for their friendship, we have never had to pay for their friendship. When the whole world seemed like they were going against us, including Europe, we always had our friends in the Caribbean. So I hope that the United States domestic politics does not override the fact that we should be doing the right thing.

Please remember, we are not talking about giving them any advantages. We are talking about keeping our promise that we made to these very small island countries when we entered into the 1983 agreement. It is good for the people in the Caribbean; it is good for the United States. It is good for the free world to see a leader like we are take care of our friends who may not be as big and may not be as powerful but, to me, and I hope to my colleagues, they are just as important.

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

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

Mr. Speaker, I would urge my colleagues to vote against this suspension of the rules. I would like to follow up on some of the comments that the gentleman from New York [Mr. RANGEL] made.

H.R. 2644, the U.S.-Caribbean Trade Act, is meant to provide parity with the nations in the Caribbean with Mexico as it relates to NAFTA.

First, it is important to point out that the nations that we are talking about, they are not just the small island nations but we are talking about many of the countries of Central America.

What is the reason for this bill? Why is there the need for parity? What has NAFTA caused harm in the Caribbean nations? If you look at the major industry that was created by the Caribbean Basin Initiative, it has been the selling of garments that has been one of the principal objectives of the CBI initiative.

Since the passage of NAFTA, the export share from the Caribbean and Central American nations in the CBI has increased from 18 percent to 23 percent their share of U.S. market. They have not been hurt by NAFTA. It appears like they have been helped. If you look at the percentage increase from the 26 CBI nations to the United States, between 1993 and 1996, in apparel, it has increased by 63 percent.

So we have seen a significant increase in exports from these nations since the passage of NAFTA. We are not talking about small industries. The textile and apparel imports from the CBI nations, namely, from Central America, totaled $6.1 billion last year. By contrast, imports from Mexico were $3.6 billion. We have more imports from Central America and the Caribbean than we do from Mexico.

But unlike NAFTA, and this is called the NAFTA Parity Act, I think it is a misnomer because, unlike NAFTA, there are no obligations on the Caribbean nations that are part of the CBI for getting these additional benefits. There are no requirements for sanctions against sweatshops or child labor, for requirements for cooperation on drug interdiction, money laundering or illegal immigration, no requirements to remove trade barriers from U.S. exporters.

This bill has been scored at $243 million for its 14 months. The taxpayers of this country should not be subsidizing more loss of jobs here in the United States. If we use our 5-year rules, as we should be using, this bill costs over $1 billion. At the very least, the Members of this body should have the opportunity to offer amendments to this legislation.

The chairman of the subcommittee mentioned that our friends in the other body have moved similar legislation. It is quite different in that it does provide certain protection to U.S. manufacturers and producers. The legislation considered in the other body requires that the textiles be made from U.S. fabric. That is not the bill that we have before us. Some of us would like to be able to offer that as an amendment, but under suspension of rules, we cannot; it is not the right process.

The Members of this House should have the opportunity to fully debate this issue and offer amendments. It is a very important bill. I would urge my colleagues to resist the suspension of rules. Let it go through normal order.

Mr. Speaker, I reserve the balance my time.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in support of the U.S. Caribbean Trade Partnership Act.

This bill, introduced by the gentleman from Texas [Mr. ARCHER] and the gentleman from Illinois [Mr. CRANE], extends duty-free access for 14

months to certain products such as apparel, handbags, and so forth. As a member of the Committee on International Relations, I have always supported trade with our neighbors in this hemisphere. We have consistently worked to reduce tariffs and to ease trade barriers between our country and Latin America.

The United States Caribbean Trade Partnership Act will restore trade benefits to our Caribbean neighbors which were lost as a result of NAFTA. Ultimately, increased trade will create jobs here and help countries like Nicaragua, El Salvador, Guatemala become more stable. After years of war and removing dictators, these countries are now fragile democracies and need our help.

However, I do have some reservations about the rule-of-origin requirements of this bill. However, my belief is that with this guarantee, this bill will create more domestic jobs and opportunities for Americans. Reducing tariffs will result in lower consumer prices for imported products which benefit all consumers. Americans will benefit from these changes, and they will go to purchase clothes and other items. Join me in supporting the United States Caribbean Trade Partnership Act.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, 4 years ago almost to the day, I spoke against and voted against the North American Free Trade Agreement. Unfortunately, time has proven that NAFTA was wrong for America, and by attempting to expand it today, we are only compounding that mistake. How many more jobs do we have to lose until we wake up and smell the Caribbean coffee?

If you voted against the NAFTA or you are not happy with the effects that NAFTA has had on America, then do not vote today to expand it and for the CBI countries. Before you vote on this issue, ask yourself three simple questions: Are there any benefits to the American worker in extending NAFTA to the CBI countries? The answer is ''no''. Will extending the NAFTA to Caribbean countries increase American jobs? The answer is no. Will it cost U.S. jobs? The answer is ''yes''.

Extending the NAFTA to Central American countries will only cost more hard-working Americans good-paying jobs. In fact, just last month a major textile manufacturer in my State announced that they were cutting 800 jobs from their Campbellsville and Jamestown, KY plants and moving them south of the border. However, instead of saying adios to these jobs, we should be doing all that we can to protect them and keep them in places like Campbellsville and Jamestown, KY.

NAFTA was a mistake, the wrong treaty at the wrong time. It is too late to stop NAFTA, but it is not too late to limit the damage. Join me in denying the extension of NAFTA trade benefits to the Caribbean and Central American countries. Vote ''no'' on CBI parity.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, let me thank the gentleman from New York [Mr. RANGEL], ranking member of the Committee on Ways and Means, and also the gentleman from New York [Mr. GILMAN] and the gentleman from Illinois [Mr. CRANE]. This is a very, very important piece of legislation because it speaks to who we are as a country, what the nature of the contribution is that we are prepared to make to help build in this hemisphere the relationship that will be necessary.

There has been a lot said here today. I wanted to rise in support of this bill. It is critically important that our neighbors in the Caribbean see that we are willing to work with their very fragile democratic circumstances, help to continue to build their economies. They are in a whole host of bilateral and hemispheric agreements with us relative to crime and safety, drug trafficking, money laundering that has been mentioned earlier. We have to make sure that these economies can lawfully participate in what has now been created as almost a market between Canada and Mexico and ourselves. We see the European Union being formed. We see our neighbors in the Pacific rim getting their act together.

□ 1245

We do not want these small island nations just to fall by the wayside. I want to thank the gentleman from New York [Mr. RANGEL] for his leadership on this and would hope that all of us would find it within ourselves to be supportive of this.

The gentleman from Maryland [Mr. CARDIN] said there would be some cost. He is correct. There will be some cost. There will be costs either way that we proceed. I think that what the gentleman from New York [Mr. RANGEL] offers for us is an opportunity for us to do what is right. And, in the end, not only will there be some costs, but there will be some rewards for our Nation for standing by our friends who have been our traditional allies.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Georgia [Mr. LEWIS], a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague the gentleman from Maryland [Mr. CARDIN] for yielding me the time.

Mr. Speaker, this bill does not make sense to me. It is bad news for American workers and bad policy. Supporters of this bill argue that it is designed to help Caribbean nations that have suffered as a result of NAFTA. They said that these countries have lost business to Mexico as a result of NAFTA.

Well, Mr. Speaker, another group of people have suffered as a result of NAFTA, and they will suffer as a result of this bill, the American workers. Since NAFTA, exports from Mexico are up. Since NAFTA, exports from the CBI countries are up. Since NAFTA, our trade surplus with Mexico has changed to a trade deficit.

NAFTA has helped Mexican exports. During the same time, the CBI countries have increased the apparel export to the United States. However, during that same time, one group has lost, American workers. More than 250,000 American apparel workers have lost their jobs to Mexico and the CBI nations. So this bill does not make sense. It does not make any sense to me.

Many of the workers who lost their jobs are minorities and women. Many of them live and work in areas where there are few other jobs. These jobs are good jobs. The workers do not get rich in these jobs, but they make a living wage. And this bill will speed up the loss of these jobs.

It is not necessary for the CBI nations. They are doing pretty well. Their exports to the United States have increased since NAFTA. I support trade with other nations. I support workers in Mexico and the CBI countries. But we need to be on the floor today considering a bill that helps American workers, a bill that helps keep jobs here at home, here in this country, a bill that promotes American products and helps American workers. We need a bill that promotes free and fair and open trade. We need trade with other countries. But it cannot, it must not, be trade at the expense of our working men and women.

I urge all of my colleagues to oppose this bill.

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

I remind my colleague, the gentleman from Georgia [Mr. LEWIS], that we have been at full employment for two straight years.

Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. CRANE] for yielding me the time.

Mr. Speaker, I am pleased to rise in support of the Caribbean Basin Trade Partnership Act. I want to commend the gentleman from Illinois [Mr. CRANE], our distinguished chairman of the Subcommittee on Trade, the gentleman from Texas [Mr. ARCHER], the distinguished chairman of the Committee on Ways and Means, and the gentleman from New York [Mr. RANGEL], ranking minority member, for bringing this matter to the floor at this time.

In 1983, President Reagan launched the Caribbean Basin Initiative to extend America's hand to our neighbors in the Caribbean. At that time, the threat was subversion sponsored by the Soviet Union and Cuba. Today, the threat of narcotics trafficking in the region is as grave and more insidious than ever.

By fostering trade and legitimate investment, this bill will strengthen our friends and neighbors in this strategic region to resist the utterly corrosive temptation to turn to transshipping drugs onto our streets as a way of earning their livelihood.

Helping our friends and neighbors in the Caribbean has benefited our Nation. Taken as a whole, the Caribbean Basin is our Nation's tenth largest export market, surpassing countries such as France. The Caribbean Basin is one of the few regions in the world where U.S. exporters have maintained a trade surplus each and every year for the past 11 years; 70 cents of each dollar spent in the Caribbean is sent right back here to our Nation on U.S. goods and services.

In the garment industry, for example, Caribbean firms rely heavily upon U.S. produced textiles. This bill provides a more level playing field for American and Caribbean manufacturers to deepen their mutually beneficial partnerships.

I would like to take this opportunity, Mr. Speaker, to call on the administration to translate this bill into renewed attention to restarting the assembly firms in Haiti, which, along with businesses here in our Nation and in my own congressional district were devastated by the recent economic embargo.

New York is the 7th largest supplier to that region. This bill will enhance New York's position in the Caribbean Basin. The Caribbean Basin Economic Recovery Act, unlike NAFTA, provides several important safeguards to participate in the program. Caribbean countries will have to satisfy conditions under existing CBI legislation. CBI countries will have to satisfy additional criteria relating to market access for U.S. products, investment guarantees, adherence to internationally accepted rules of international trade, observance of internationally recognized workers rights, and promotion of intellectual property rights.

The President will be authorized to revoke a country's eligibility if that country fails to satisfy existing CBI criteria or meet any of the new criteria established under this law. Accordingly, passage of this bill will move it to conference where additional concerns may be addressed.

I urge my colleagues to join in supporting the legislation.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I rise in reluctant opposition to this bill. I say ''reluctant'' because it is always difficult to be on the opposite side of an issue from my friend, the gentleman from New York [Mr. RANGEL], and also because, as a general proposition, I am a supporter of CBI parity.

Unfortunately, this bill does not get us where we need to be, and it comes on the suspension calendar, where nobody can make any amendments or offer any amendments to improve the bill and address some of the issues which need to be addressed. Second, it has a particularly adverse effect on the workers in my State of North Carolina.

The gentleman from Illinois [Mr. CRANE] indicated that we have been at full employment for some time now. Tell that to the workers in North Carolina. H.R. 2644 will reduce or eliminate tariffs and quotas on watches, food ware, tuna, and apparel. These industries enjoy some modest tariff and quota protection because they are vulnerable to cheap imports.

Supporters of this bill imply that giving away the jobs in these industries, especially in the garment industry, is an acceptable sacrifice. But let me tell my colleagues a little about these people who work in this industry in North Carolina. These workers in these factories are hard-working people. They are considered unskilled workers, but only because their highly developed sewing skills do not have much application outside the garment industry. They have spent years perfecting their craft.

This bill will pull the rug from under them. My colleagues will hear that garment jobs are low-paying jobs and we should sacrifice them, but an experienced seamstress in North Carolina makes about $10 an hour. Those are jobs that, if they cannot do these jobs, they are going somewhere else offshore and these people will be forced onto welfare. We should not have to make that sacrifice. We should defeat this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. RANGEL] for yielding me the time.

Since the Caribbean Basin Initiative in 1983, that legislation has created about 18,000 new American export-oriented jobs each year. What was once a trade deficit has grown into a very major trade surplus for us. And those CBI countries today purchase as much as 75 percent of their imports from the United States. A good portion of that gain has been in the textile and apparel industries.

To maintain a globally competitive product and to offset the advantages of low wages from our Asian competitors, many United States firms have formed strategic alliances with garment firms throughout the Caribbean Basin region. I saw, with the distinguished gentleman from New York [Mr. RANGEL] in a CODEL led by the gentleman from Nevada [Mr. GIBBONS], our former chairman of the Subcommittee on Trade, that kind of a relationship ongoing in Jamaica, and that has been very beneficial for American firms.

By using the combination of United States and Caribbean skills and materials, American and CBI firms have developed a joint production process that guarantees the viability of our domestic industry while ensuring the production of quality cost competitive garments. That is just one example.

CBI has been conceived as a way to help the United States and Caribbean and Central American countries navigate the threats of the Cold War. That is over. But it is time to update this program to help the United States and its neighbors in the Caribbean and Central America face the challenges of the next century.

I strongly urge passage of H.R. 2644. It will strengthen the U.S.-Caribbean Basin trade partnership, while at the same time embracing the competitiveness of U.S. firms and workers.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN], my pit colleague, and as an old pit quarterback, today's debate is not about friendship. Today's debate is about business.

I oppose this bill. I keep score. America is losing. Our trade deficit with Japan is at record levels; trade deficit with China will exceed $50 billion; trade deficit with Canada, $22 billion. And Mexico started out as a $2 billion surplus. It is now a $20 billion deficit. So let's forget about the $1 billion Caribbean surplus.

Let's tell it like it is. For some reason, Congress and the White House keeps going forward on trade like a group of misdirected masochists, so help me God. It reminds me of a smoker dying of lung cancer who continues to chain smoke. Let's talk business today.

If you manufacture a product in Youngstown, OH, IRS, Social Security, Workmen's Comp, Unemployment Comp, OHSA, EPA, bank regulations, security regulations, pension law, health inspectors, minimum wage, and $20 an hour average manufacturing costs. You move to Mexico or the Caribbean, like you want, no OHSA, no EPA, no regs, no minimum wage, no labor law, no labor unions, pensions, health insurance. What are you talking about? That is foreign language. Let me tell my colleagues something else. They hire people at 17 cents an hour.

Beam me up here. So help me God, the Constitution says, ''Congress shall regulate commerce with foreign nations.'' Now evidently someone interpreted it to mean that Congress shall donate commerce to foreign nations. We are misdirected. We are wrong.

Japan and China, for years every President has threatened Japan to open their markets, from Nixon up to Clinton. Evidently, Japan never opened their markets. We need reciprocal trade. Let me tell my colleagues something, this is a welfare program for Caribbean workers. I am opposed to it. We are putting American workers in

welfare lines and extending sophisticated commercial trade concepts to create welfare for foreign workers.

I disagree with this policy. And the greatest respect in the world for the chairman, the gentleman from New York [Mr. RANGEL], greatest respect in the world. I am proud to see the gentleman from Maryland [Mr. CARDIN] step forward. I am glad to see it is a pitman.

My colleagues, I keep score. America is losing. We are elected to look after the interests of the United States of America. We do not have to hurt the Caribbean nations. But we sure as hell do not have to give away the farm. I recommend my colleagues vote no on this.

Let me say one last thing about NAFTA expansion. There is no amendment that can cure cancer. When we have cancer, we cut it out. Let's start taking care of number one. We do not have to hurt anybody else.

□ 1300

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA], my colleague on the Committee on Ways and Means.

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

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. I come here with one particular concern. I believe it could have been addressed adequately in committee and was not. On top of some of the other things that have been said by some of my colleagues with respect to concerns with regard to expanding NAFTA to the Caribbean Basin, I do support and I did support NAFTA and I would support trying to extend to the degree possible the free trade zone into the Caribbean Basin. But let me focus my attention on one particular aspect which to me personally rubs very deeply within me. In committee, I asked that we try to extend trade adjustment assistance in this CBI proposal as we had in NAFTA. Trade adjustment assistance goes to workers who are dislocated as a result of companies moving from this country into the new area of the free trade zone. There is $6 million available in this legislation to pay for that type of adjustment assistance. We were told we had no CBO comparison to tell us exactly how much it would cost. We thought it would cost about the $6 million that was available. We find out now that it is only $2 million that it would cost to provide the protections to workers who may face dislocation as a result of this legislation. Yet we have been unable to get any commitment on the part of the Republican leadership to include the $2 million it would cost to protect American workers who may face dislocation as a result of this. What a small price to pay, especially when we have the money there. It rubs me the wrong way to have to stand here to say that $2 million stands in the way of being able to protect American workers. Why we would not do that, I do not understand, and I am somewhat speechless, because we have the money. We have $6 million available, $2 million to protect American workers, to give them things like unemployment benefits similar to unemployment benefits, to allow them to get training, to allow them to have some assistance to make sure that their families do not go without while they are unemployed. Yet we are not going to do it. It does not make any sense, it is shameless, and for that reason I had to take to the floor today.

Mr. CRANE. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois [Mr. WELLER].

The SPEAKER pro tempore [Mr. PACKARD]. The gentleman from Illinois [Mr. WELLER] is recognized for 1 minute.

Mr. WELLER. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. CRANE] for yielding me this time and also commend him for his leadership as well as the gentlemen from New York and for Maryland for their leadership, even though they disagree today.

Mr. Speaker, I plan to vote for this legislation, H.R. 2644 today, because I believe that we do need to move forward in providing greater trade opportunities, trade opportunities that do move towards free trade. But I also stand as one of those who believes that as we work for free trade, it should also be fair. I believe it is important to expand our trade opportunities, particularly when they benefit States such as Illinois, particularly Illinois middle-class working families. Mr. Speaker, I will be voting for this legislation because I want it to move forward, but what I ask as this legislation passes the House and goes into conference is that we take a very careful look at some of the ideas that are incorporated into the Senate version of this legislation, ideas that I believe will help Illinois as well. I support moving this legislation forward because I believe that we should always work to expand trade opportunities. It is important for jobs back home in Illinois.

Mr. CARDIN. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina [Mr. SPRATT] who has been one of the real fighters for U.S. textiles.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 4 minutes.

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

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time. In just a short time I think we have shown that there are lots of objections to the bill before us. First of all, at a time when our trade deficit is reaching record highs, this bill, H.R. 2644, is totally one-sided. It lowers tariffs, it lifts quotas on apparel and six or seven different kinds of imports from 26 countries in the Caribbean and Central America, and it does so unilaterally. These countries are not required to make in return any trade concessions whatsoever to the United States.

Second, this is a blanket grant of trade benefit to these CBI countries without any sanctions, without even any questions being asked about sweatshops or child labor or whether or not the country in question cooperates with the United States when it comes to interdicting drugs, money laundering and dealing with corrupt practices and corrupt customs, and those problems are endemic in some of these countries.

Why do we do this? Why do we make these unilateral concessions? All in the name of fixing a nonexistent problem. Before NAFTA, the CBI countries exported, this is volume, 1.39 billion square meter equivalents of clothing to the United States. Since NAFTA, 1996, the CBI countries increased their exports to 2.26 billion SMEs, square meter equivalents. Before NAFTA, CBI imports accounted for 18.4 percent of all apparel imports into the United States. Since NAFTA, CBI imports have increased to 23.4 percent of all the apparel imports coming into the United States. They have got a huge share of our market. These countries are not suffering from NAFTA, far from it. They are shipping us more clothing, more apparel than ever.

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

Mr. SPRATT. I yield to the gentleman from Hawaii to comment on the lack of sanctions and labor provisions.

Mr. ABERCROMBIE. Would the gentleman agree that the result of this, then, is that the domestic industry is shrinking by thousands of jobs? As a matter of fact, I believe that the domestic industry shrank by 56,000 jobs in 1996 alone and 52,000 more jobs through September of this year.

Just today we had the announcement from the Levi Company that one-third of all its employees in North America are going to be released. The union representing these workers is forced to negotiate their release. This clothing import situation under this bill will only get worse, and that means the loss of American jobs by the thousands.

Mr. SPRATT. That is indeed the consequence of this and other legislation, no question about it. Slipping this bill through under suspension makes it appear to be uncontroversial or inconsequential. The point I am trying to make is that H.R. 2644 will have a greater impact on the U.S. apparel industry and U.S. apparel workers than NAFTA ever had.

Because of rules, long-standing rules known as item 807 and item 807(a), cloth that is cut and made in the United States can be sewn and assembled under clothing in a CBI country. Then when the clothing is reexported to the United States, the duties imposed when it comes back into our country are only imposed on the value added in the CBI country.

Because of this concession, which has existed for a long time, the CBI countries now export to the United States more than twice as much apparel as Mexico, whether we measure it by volume in SMEs or by value. In 1996, the CBI countries shipped the U.S. 2.26 billion square meter equivalents of clothing. Mexico shipped us 1.1 billion square meter equivalents.

Let me also comment as the ranking member on the Committee on the Budget on the revenue losses, the budgetary impacts of this bill. It results in substantial revenue losses. To get around these revenue losses and the pay-go rules, this bill uses a low-ball estimate from CBO, then it uses a contrived accounting technique.

Mr. Speaker, all we have is the choice to vote this bill up or down, and I say we should vote it down.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time. Let me thank my colleagues that have come to the floor in support of this bill. Listening to the debate, one might believe that Cuba is a threat to our national security and now the CBI is a threat to our national economy. We are dealing with friends. Someone said that should not matter, that we are dealing with trade. But when we deal with friends, if they have a problem with the economy, we have been known to provide leadership in this hemisphere, even to the point that the American people and this Congress has seen fit to send troops to this part of the world in order to maintain peace. For decades, we have sent money there in terms of aid. Now they are coming and saying that in lieu of these things, they just want to be trading partners with us.

Mr. Speaker, for those who visit the islands, going into a retail store is like going into a store in the United States if they are looking to see where the products have been manufactured, where they have been shipped from. I suspect after this debate is over, we soon will be hearing from those American companies that hire American workers that export these retail goods to our friends in the Caribbean. We have just been hit hard with the crisis that they have had with bananas, where we have taken the case to the WTO, the World Trade Organization, which gave a negative decision as relates to the Caribbean. They work hard every day. These are not people that are known to have slave labor. These are independent countries, literate countries. They work hard, they have labor unions, and there are provisions in the bill that provide for labor rights. But something that concerns me, too, is that these small islands out there in the Caribbean are really vulnerable to the international drug traffickers. They have fought against this and their countries have not succumbed as we have to become addicted to these drugs, even though corruptions have hit some part of the countries as relates to transshipment of drugs. The gentleman from New York [Mr. GILMAN] and I have traveled in this part of the world and we have seen the impact. It seems to me that we just do not slap friends in the face at a time like this when so much of their own money has been protecting their borders against drugs coming in which is basically consumed by us.

Mr. Speaker, I ask my colleagues to support this bill. It is the right thing to do. It is the fair thing to do. The President wants it. I think we owe it to the people in that part of the world.

Mr. ADERHOLT. Mr. Speaker, I rise today to voice my serious concerns about H.R. 2644. I have heard from many folks in my district who work in the textile industry who oppose this bill in its present form. I have also been contacted by some, such as Fruit of the Loom, who support the Senate version and are hopeful that passage of H.R. 2644 will be a step toward enacting a fairer version of free trade for the Caribbean region.

Which brings me to my concern about H.R. 2644 being brought up under the Suspension Calendar. I believe that this bill in its present form raises too many concerns, and that these concerns would be better addressed if H.R. 2644 was to be brought to the floor with a rule allowing the necessary changes to be made.

H.R. 2644 in its present form will unilaterally provide Caribbean and Central American countries parity with Mexico under the North American Free Trade Agreement [NAFTA]. I fear that this legislation would inflict further damage on our Nation's textile and apparel industries, which have lost 250,000 jobs since 1994.

Furthermore, it is my understanding that the premise of this legislation, that Caribbean-Central American countries have been harmed by NAFTA, is erroneous. While U.S. employment, particularly in the apparel industry, is plummeting, apparel imports from Caribbean-Central America are surging. The U.S. textile industry should not be subject to the same upheaval the apparel industry had to go through under NAFTA.

Simply put, it is bad economic and trade policy to grant countries unilateral, free access to the U.S. market without obtaining reciprocal access to foreign markets. I support free trade—but in the end—it must be fair trade.

Mr. KLECZKA. Mr. Speaker, I rise today to strongly object not only to the legislation before us, but to the tactics being used to push this bill through the House.

On October 8, the Ways and Means Committee, on which I serve, passed by voice vote this bill to extend North America Free Trade Agreement benefits to Caribbean and Latin American nations. I requested a recorded vote in committee, but was denied this request.

Now, the leadership of the House is trying to slide this measure by the full House in a similar manner by putting the bill on the Suspension Calendar. It is generally known that the Suspension Calendar is reserved for noncontroversial legislation, and that bills considered under suspension of the rules pass by voice vote. H.R. 2644 is highly controversial and ought to have full, open debate afforded to other bills of this magnitude.

CBI parity has been rejected over and over by Congress because it is an expansion of the failing NAFTA. But, this year the debate on CBI parity is overshadowed by the larger discussion of fast track authority. We must not let this happen.

NAFTA has hurt, not helped, the American worker. Passage of CBI parity will further jeopardize jobs and exports by opening the door to textiles and apparel made with cheap labor and in substandard working conditions. Plus, the taxpayer is hit with a double blow in lost revenues. Once parity is offered for a year to these countries, you can bet there will be a strong effort to renew this legislation when it expires.

For these reasons, we should reject H.R. 2644 and keep American jobs at home.

Mr. TOWNS. Mr. Speaker, we have a unique opportunity today to assist American business as well as supporting economic development in the Caribbean. The Caribbean basin is now the 10th largest export market for the United States greater than even some European countries. Our U.S. exporters maintain a trade surplus with the Caribbean and have done so for the past 11 years. Additionally, every 100 jobs in the Caribbean apparel sector creates 15 apparel jobs in the United States. Additional American jobs are also created in the textile, distribution, and retail sectors.

We must acknowledge, Mr. Speaker, that NAFTA has been detrimental to the Caribbean. According to the ITC, Mexico's share of the garment assembly market has increased 50 percent, while the Caribbean share has dropped by 15 percent, since 1993. The Caribbean Textiles and Apparel Institute reports that, between 1995 and 1996, more than 150 apparel plants closed in the Caribbean resulting in the loss of 123,000 jobs.

The bill before us today, H.R. 2644 will level the playing field for the Caribbean. It will ensure that Caribbean countries are prepared to meet their obligations, ranging from market access to intellectual property rights, as part of the free trade area of the Americas. To participate in this program, CBI countries must satisfy the additional criteria of adherence to internationally accepted rules of international trade and the observance of internationally recognized workers rights. I would urge my colleagues to support the bill and I urge its passage under suspension of the rules.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 2644.

The question was taken.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2644.

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

There was no objection.

MAKING TECHNICAL AMENDMENTS TO TITLE 17, UNITED STATES CODE

Mr. COBLE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 672) to make technical amendments to certain provisions of title 17, United States Code.

The Clerk read as follows:

Senate amendments:

Page 15, after line 8, insert:

SEC. 11. DISTRIBUTION OF PHONORECORDS.

Section 303 of title 17, United States Code, is amended—

(1) by striking ''Copyright'' and inserting ''(a) Copyright''; and

(2) by inserting at the end the following:

''(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein.''.

Page 15, line 9, strike out ''11'' and insert ''12''.

Page 20, line 7, strike out ''12'' and insert ''13''.

Page 20, line 16, strike out ''11(b)(1)'' and insert ''12(b)(1)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

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

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume. H.R. 672 contains much needed technical amendments to the Copyright Act. The Copyright Office needs these amendments in order to administer the Copyright Act efficiently and effectively. H.R. 672 also clarifies that the distribution of a phonorecord before January 1, 1978, did not constitute a publication of the musical work embodied therein.

□ 1315

In 1995 the ninth circuit, in La Cienega versus Z.Z. Top, overturned nearly 90 years of Presidential decisions and held that a phonorecord did constitute a publication of the musical work embodied in it. As a result, thousands of pre-1978 songs are at risk of falling into the public domain because the authors and music publishers relied on the Copyright Office decisions and did not place a copyright symbol on the phonorecords.

We must protect the copyright holders who justifiable relied upon judicial and Copyright Office decisions. The United States cannot afford to let its rich musical heritage be lost into the public domain, and I urge the Members to vote ''yes'' on H.R. 672.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague, the chairman, has explained this. This is a bill which was broadly supported on both sides. We have some controversial issues that will be coming up later dealing with the copyright subject matter. This is not one of them.

What we are doing here is concurring in the first place with the Senate over a base bill that we already passed. This is a bill that included amendments of a technical nature that we already passed, with one or two dissenting votes on a rollcall.

The Senate added this bill, which we have referred to as La Cienega, because that was the name of the case, and what we have here is a reading by the courts, and it was not the court's choice of policy, it was a reading of the technical language of the statute, the effect of which would be to deprive decent, hard-working composers of the right to benefit from their compositions, not because of any real dispute over who owned what, not because of any policy issue, but because of a very narrow technical point. And I am pleased that we were able to bring this forward; I am pleased that the other body has gone forward with it. I hope we will just vote this through. It is, as I said, narrow, technical; it leaves other copyright issues ahead of us.

I suppose it is a sign that sometimes the law moves a little more slowly than technology that we are today passing a bill about phonorecords. When the phrase ''phonorecords'' first went into the law in 1909, there were not very many because they were too new. Now there are not very many because they are too old. So we have in this legislative history sort of gone through the life cycle of phonorecords.

I should note that the 1909 act was passed in the same year as the birth of our colleague, the gentleman from Illinois, which is irrelevant but interesting.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts and Nashville as a sideline [Mr. DELAHUNT], my colleague on the subcommittee.

Mr. DELAHUNT. Mr. Speaker, let me first acknowledge the hard work that was done on this particular proposal by both the Chair, my friend and colleague from North Carolina, and by the ranking member. As they both indicated, this bill is mostly about fairness, but there is even a trade deficit reform or concern, rather, addressed in this proposal.

Because of the opinion that was rendered in the case that has been referred to, La Cienega, there is now a cloud over the copyright of virtually every piece of American music written before 1978. American musicians, composers, and publishers now stand to lose some 1 and one-quarter billion dollars a year, and a significant portion of that 1 and one-quarter billion dollars is generated by overseas sales as American music is universally acknowledged to be the most popular on the planet. In fact, music is one of our most valuable exports and one of the few bright spots in our balance of trade.

We will hear this week in the course of the debate on fast track about how our former trade circle with Mexico is now a deficit of some $17 billion, and of course our trade deficit with China escalates by billions with every new report. Well, we cannot afford to lose the income derived from foreign sales of pre-1978 musical works. It is painfully clear we are in no position to exacerbate our ballooning trade deficit, and unless we pass this bill and reverse the La Cienega decision, that is exactly what will happen.

But this measure is, as both gentlemen indicated, much more than just trying to do something about our balance of trade problems. It is about being fair, being fair to thousands of hard-working, talented creators of American music who, for 86 years, were told by the Government and the American judicial system that their work was protected by the Copyright Act of 1909.

They were told all that was necessary to protect their works was to place the familiar copyright symbol on the printed musical score, the sheet music, if my colleagues will. We have all seen that symbol; it is the C in a circle. They were told that it was not necessary to place that symbol on the recording of their composition. They relied on the interpretation of the Copyright Act of 1909 because that is all the Government, through the Copyright Office, said that the Copyright Act required.

Furthermore, Mr. Speaker, there are a number of Federal court decisions that confirmed the position of the Copyright Office. So this was the law for 86 years, until 1995 when La Cienega arrived on the scene. The bill before us today would rectify this injustice, and I urge swift passage as any delay places at risk an entire industry and threatens to stifle that incredible creative talent of American song writers.

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

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

Mr. Speaker, I will say very briefly I want to thank the ranking member, the gentleman from Massachusetts [Mr. FRANK], Members on both sides of the subcommittee, and the staff. We worked very effectively and harmoniously together to craft this very important piece of legislation.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 672, the Copyright Clarification Act, and particularly the Senate amendment thereto.

In 1995, the Ninth Circuit issued a ruling in La Cienaga Music Corp. versus ZZ Top, which threatens the validity of copyright for musical works created prior to 1978. This decision poses a severe hardship for thousands of

songwriters, many of whom I am proud to count as my constituents. What these composers and songwriters did was nothing more than to rely on an industry standard of many decades duration, which provides that the distribution of a phonorecord does not constitute publication of a musical work. This long-time understanding of copyright law has been ratified and reaffirmed by the Second Circuit over 20 years ago. American songwriters had every reason to consider this issue to be a matter of settled law.

But the LaCienaga decision took that settled law and cast it on its head, threatening to thrust into the public domain hundreds of thousands of musical works which presently enjoy copyright protection. This post-hoc penalty on copyright owners for failure to comply with copyright formalities, in reliance upon settled law, struck the members of the Subcommittee on Courts and Intellectual Property and, I am happy to say, the members of the other body as well, as grossly unfair. We concluded that the Ninth Circuit had reached an anomalous and insupportable result which in the interest of fundamental fairness begged to be corrected.

That is what the legislation before us would do. I commend this bill to my colleagues and urge its passage.

Mr. BONO. Mr. Speaker, I rise in support of H.R. 672 and urge my colleagues to join me. This is a very important measure needed in congressional response to a bizarre court decision. This decision also threatens to undermine the national economy. It is estimated that copyright industries contribute up to $4 billion to our economy and, in addition, are one of our most valuable exports.

The case of *La Cienaga Music Co.* v. *ZZ Top,* 53 F. 3d 950 (9th Cir. 1995), *cert. denied,* 116 S.Ct. 331 (1995) is unfortunate as it has jeopardized the private property rights for thousands of creative individuals who live within the jurisdiction of the Federal Court of Appeals of the Ninth Circuit. I am advised that this court decision makes it impossible for certain affected individual creators to bring an infringement action within the Ninth Circuit. Hence, you may have a copyright, but you have no available remedies against piracy.

Much of the credit for today belongs to House Judiciary Committee Chairman HYDE and Subcommittee Chairman COBLE for their diligence and attention to this issue. This is a bipartisan enterprise, and thanks for today also rests with Representative FRANK. This measure should be noncontroversial and speedily adopted by the House. As you know, this particular new language was contained in a much more comprehensive bill that I have sponsored along with Senate Judiciary Chairman HATCH, H.R. 1621. My House chairmen are also helping to bring along the rest of this badly needed legislation for copyright term extension to the floor. That cannot come too soon.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and concur in the Senate amendments to H.R. 672.

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

A motion to reconsider was laid on the table.

NO ELECTRONIC THEFT (NET) ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2265) to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2265

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Electronic Theft (NET) Act''.

SEC. 2. CRIMINAL INFRINGEMENT OF COPYRIGHTS.

(a) DEFINITION OF FINANCIAL GAIN.—Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the term ''display'', the following new paragraph: ''The term 'financial gain' includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works.''.

(b) CRIMINAL OFFENSES.—Section 506(a) of title 17, United States Code, is amended to read as follows:

''(a) CRIMINAL INFRINGEMENT.—Any person who infringes a copyright willfully either—

''(1) for purposes of commercial advantage or private financial gain, or

''(2) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000,

shall be punished as provided under section 2319 of title 18. For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement.''.

(c) LIMITATION ON CRIMINAL PROCEEDINGS.—Section 507(a) of title 17, United States Code, is amended by striking ''three'' and inserting ''5''.

(d) CRIMINAL INFRINGEMENT OF A COPYRIGHT.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''subsection (a) of this section'' and inserting ''section 506(a)(1) of title 17''; and

(B) in paragraph (1)—

(i) by inserting ''including by electronic means,'' after ''if the offense consists of the reproduction or distribution,''; and

(ii) by striking ''with a retail value of more than $2,500'' and inserting ''which have a total retail value of more than $2,500''; and

(3) by redesignating subsection (c) as subsection (e) and inserting after subsection (b) the following:

''(c) Any person who commits an offense under section 506(a)(2) of title 17—

''(1) shall be imprisoned not more than 3 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 10 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of $2,500 or more;

''(2) shall be imprisoned not more than 6 years, or fined in the amount set forth in this title, or both, if the offense is a second or subsequent offense under paragraph (1); and

''(3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000.

''(d)(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

''(2) Persons permitted to submit victim impact statements shall include—

''(A) producers and sellers of legitimate works affected by conduct involved in the offense;

''(B) holders of intellectual property rights in such works; and

''(C) the legal representatives of such producers, sellers, and holders.''.

(e) UNAUTHORIZED FIXATION AND TRAFFICKING OF LIVE MUSICAL PERFORMANCES.—Section 2319A of title 18, United States Code, is amended—

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

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

''(d) VICTIM IMPACT STATEMENT.—(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

''(2) Persons permitted to submit victim impact statements shall include—

''(A) producers and sellers of legitimate works affected by conduct involved in the offense;

''(B) holders of intellectual property rights in such works; and

''(C) the legal representatives of such producers, sellers, and holders.''.

(f) TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

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

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

''(d)(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

''(2) Persons permitted to submit victim impact statements shall include—

''(A) producers and sellers of legitimate goods or services affected by conduct involved in the offense;

''(B) holders of intellectual property rights in such goods or services; and

''(C) the legal representatives of such producers, sellers, and holders.''.

(g) DIRECTIVE TO SENTENCING COMMISSION.—(1) Under the authority of the Sentencing

Reform Act of 1984 (Public Law 98–473; 98 Stat. 1987) and section 21 of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271; 18 U.S.C. 994 note) (including the authority to amend the sentencing guidelines and policy statements), the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime against intellectual property (including offenses set forth at section 506(a) of title 17, United States Code, and sections 2319, 2319A, and 2320 of title 18, United States Code) is sufficiently stringent to deter such a crime and to adequately reflect the additional considerations set forth in paragraph (2) of this subsection.

(2) In implementing paragraph (1), the Sentencing Commission shall ensure that the guidelines provide for consideration of the retail value and quantity of the items with respect to which the crime against intellectual property was committed.

SEC. 3. INFRINGEMENT BY UNITED STATES.

Section 1498(b) of title 28, United States Code, is amended by striking ''remedy of the owner of such copyright shall be by action'' and inserting ''action which may be brought for such infringement shall be an action by the copyright owner''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

H.R. 2265, Mr. Speaker, is a much needed legislative response to a 1994 court case that created a loophole which currently prevents the Department of Justice from prosecuting Internet copyright theft. The bill represents the hard work of industry representatives, officials from the Department of Justice and the Copyright Office, and the members of the Subcommittee on Courts and Intellectual Property and the full Committee on the Judiciary.

Again, this is a good bill that has been brought to the floor in a bipartisan manner, and I urge its adoption.

Mr. Speaker, I rise in support of H.R. 2265, the No Electronic Theft [NET] Act. Introduced by Mr. GOODLATTE of Virginia, this bill represents an important legislative response to those persons who cavalierly appropriate copyrighted works and share them with other Internet thieves.

Industry groups estimate that counterfeiting and piracy of intellectual property—especially computer software, compact discs, and movies—cost the affected copyrights holders more than $11 billion last year; some claim the actual figure is closer to $20 billion. Regrettably, the problem has great potential to worsen. The advent of digital video discs and the development of new audi-compression techniques, to cite two prominent examples, will only create additional incentive for copyright thieves to steal protected works.

The NET Act constitutes a legislative response to the so-called LaMacchi case, a 1994 decision authored by a Massachusetts Federal court. In LaMacchia, the defendant encouraged lawful purchasers of copyright software and computer games to upload these works via a special password to an electronic bulletin board on the Internet. The defendant then transferred the works to another electronic address and encouraged others with access to a second password to download the materials for personal use without authorization by or compensation to the copyright owners. While critical of the defendant's behavior, the court precluded his prosecution under a Federal wire fraud statute, stating that this area of the law was never intended to cover copyright infringement. The court also noted that the relevant criminal provisions of the Copyright Act and title 18 of the United States Code historically required prosecutors to prove that a defendant acted ''willfully'' and for ''commercial advantage'' or ''private financial gain''—a threshold standard which did not apply to LaMacchia, who never benefited financially from his transgressions.

Accordingly, the NER Act proscribes the willful act of copyright infringement, either for ''commercial advantage or private financial gain''; or by reproducing or distributing one or more copies of one or more copyrighted works with a total retail value of more than $1,000. The legislation specifically encompasses acts of reproduction or distribution the occur via ''electronic means'' which is to say, by computer theft. In addition, ''financial gain'' is defined as the acquisition of ''anything of value, including the receipt of other copyrighted works.'' This change would enable the Department of Justice to pursue a LaMacchia-like defendant who steals copyrighted works but gives them away—instead of selling them—to others. This legislation includes stiff penalties and prison terms for infringers.

Mr. Speaker, the Subcommittee on Courts and Intellectual Property, during its markup of the NET Act, passed an amendment to ensure that the bill would not modify liability for copyright infringement, including the standard of willfulness for criminal infringement. After full committee consideration of H.R. 2265, negotiating sessions that included representatives of the Copyright Office, the Department of Justice, and relevant industry organizations produced compromise language, now inserted in the bill, that provides additional protection for entities which transmit copyrighted works over the Internet.

More specifically, this language is intended to clarify that a finding of willfulness cannot be established solely from evidence of reproduction or distribution of copyrighted works, and thus that prosecutions based solely on such evidence will not be pursued. While it is not the majority rule, some cases have held in the past that evidence of reproduction or distribution of such works, by itself, is sufficient to establish willfulness under 17 U.S.C. 506. This language rejects the holding of those cases, and clarifies that in order for criminal liability to attach to a defendant's conduct, the Government must prove something more than the mere reproduction or distribution of copyrighted works in establishing willfulness.

It should be emphasized that proof of the defendant's state of mind is not required. The Government should not be required to prove that the defendant was familiar with the criminal copyright statute or violated it intentionally. Particularly in cases of clear infringement, the willfulness standard should be satisfied if there is adequate proof that the defendant acted with reckless disregard of the rights of the copyright holder. In such circumstances, a proclaimed ignorance of the law should not allow the infringer to escape conviction. Willfulness is often established by circumstantial evidence, and may be inferred from the facts and circumstances of each case.

Further, a violation act of infringement performed by the defendant is required by this section. Evidence of reproductions or distributions, including those made electronically on behalf of third parties, would not, by itself, be sufficient to establish willfulness under the NET Act.

Finally, the requirements of a showing of financial gain or commercial advantage under 17 U.S.C.506(a) is not intended to imply that all types of financial gain or commercial advantage can, by themselves, trigger a finding of willful infringement. I should emphasize strongly that this bill addresses criminal, not civil, copyright liability. To repeat: nothing in H.R. 2265 affects civil liability for copyright infringement.

Mr. Speaker, the public must come to understand that intellectual property rights, while abstract and arcane, are no less deserving of protection than personal or real property rights. The intellectual property community will continue its works in educating the public about these concerns, but we in the Congress must do our job as well by ensuring that piracy of copyrighted works will be treated with an appropriate level of fair but serious disapproval. We will fulfill this obligation today by passing H.R. 2265.

Allow me to conclude by acknowledging the conspicuous hard work of the gentleman from Virginia, Mr. GOODLATTE, who is also the bill's sponsor; and the ranking subcommittee member from Massachusetts, Mr. FRANK. They and the other members of our subcommittee have truly worked in a bipartisan manner to expedite passage of the NET Act.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

As with the previous bill, this is a bipartisan bill brought forward by the subcommittee to try to deal with some technical problems. Once again, it is a response to a court decision, and I would just note by the way there are people who, here and in other places, from time to time object to court decisions. Often the court decisions that people object to are statutory interpretations. And we should be very clear. When a court has done something that many of us disagree with because of how they interpret a statute, we retain full power to overturn that, as we just did in the previous bill, as we are doing in this bill, and I have to say, in fairness to the courts, sometimes the statutory interpretation and question is a little strained; sometimes it is accurate because we were a little sloppy, and we had the ability to correct the inadvertent policy problem.

This is a very important policy. What we are essentially saying is if you trash somebody else's property, even if you are not doing it for money but you are just doing it because you wanted to show how smart you are and because you are seriously maladjusted and cannot make an impression on anybody in any other way, it is as criminal as if you stole. You have no right to use technical skills to interfere with other people's property.

And those who somehow admire that, those who try to make that skill into something that they boast of, are dead wrong morally. And that is what this bill says, ''You have no right to interfere with the work and intellectual property of other people.''

And it is precisely those who most understand the importance of the new technology to humanity who ought to be joining us in supporting this bill, because this is a threat to the ability of individuals to get the full use and enjoyment of it.

There is just one point I wanted to comment on as a result of, I think, a very useful process. When this bill left committee, we had one somewhat unresolved issue. It was not our intention in trying to make clear that you are criminally liable if you interfere with other people's property regardless of your motive; it was not our intention to lower the barrier by which people could find themselves criminally liable for acts that were not intentional. We were talking here, we were aiming at people who deliberately went and screwed up other people's work even if they were not doing it for money. There was a legitimate concern brought forward by, among others, the gentleman from Virginia and people who testified that we not go beyond that.

Now I do have to say there was one sort of misapplication or misdescription in the committee report. I did offer an amendment in subcommittee that tried to make clear that the bill was not intended to broaden the definition or reduce the burden that had to be met in order to show that somebody had done something intentionally.

We have two issues here: Was it intentional? and, why was it intentional? This bill only deals with why it is intentional. This bill says, ''If you did it and you meant to do it, we don't care why. We care that you did it and you shouldn't have, and the fact that you didn't have a monetary incentive isn't relevant.''

Some people fear that that might also mean that people who had done something without any intent to interfere with other people's work would somehow be implicated. The amendment I offered in subcommittee was aimed not at changing the definition of ''willful'' or making it harder to meet but making clear that this bill itself did not do that. And that amendment was adopted.

Indeed, Mr. Speaker, I have a proposal that we should put on the legislative keyboard a phrase that says this act does not do what this act does not do because we often have the problem of people reading into legislation things that are not there.

In any case, that turned out to be insufficient, and at the full committee the gentleman from Virginia proposed a further clarification. We had some disagreement about the specifics, but we agreed that he had brought up a very valid point, and as a result of the legislative process working, the bill that comes before us today which we can do under suspension has new language which makes it clear that there is no effort here and no intention on our part to make it easier to go after people when they were not acting intentionally. I believe the gentleman from Virginia is probably going to be expounding on that, and it will be very clear to people.

So I want to thank my colleagues on all sides of the committee. This is a bill which was noncontroversial in its purpose.

□ 1330

On two occasions we amended it to make clear that we would be dealing very specifically, it obviously would have been somewhat ironic in a bill that was aimed at curing legislative sloppiness to get sloppy again, and I think the bill that we have now brought forward does that appropriately.

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

Mr. COBLE. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. GOODLATTE], the author of the bill.

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

Mr. Speaker, I rise in support of H.R. 2265, the No Electronic Theft, or NET Act of 1997. I would like to thank the gentleman from North Carolina [Mr. COBLE]; the gentleman from Massachusetts [Mr. FRANK], the ranking Member; and also the gentleman from Utah [Mr. CANNON] for their leadership and support on this important legislation which I introduced.

The NET Act closes a loophole in our Nation's criminal copyright law and gives law enforcement the tools they need to bring to justice individuals who steal the products of America's authors, musicians and software producers. Additionally, the bill promotes the dissemination of creative works online and helps consumers realize the promise and potential of the Internet.

The Internet is a tremendous opportunity. Its development has contributed to the economic growth we have enjoyed in the last few years. Its true potential, however, lies in the future when students and teachers can access a wealth of information through the click of a mouse, and consumers can fully benefit from electronic commerce. For this to happen, creators must feel secure that they are protected by laws as effective in cyberspace as they are on Main Street.

The NET Act clarifies that when Internet users or any other individuals sell pirated copies of software, recordings, movies or other creative works, use pirated copies to barter for other works, or simply take pirated works and distribute them broadly even if they do not intend to profit personally, such individuals are stealing. Intellectual property is no less valuable than other property.

Pirating works online is the same as shoplifting a videotape, book, or record from a store. Through a loophole in the law, however, copyright infringers who pirate works knowingly and willfully, but not for profit, are outside the law. This situation has developed because the authors of our copyright laws could not have anticipated the nature of the Internet, which has made the theft of copyrighted works virtually cost-free and anonymous.

The Internet allows a single computer program or other copyrighted work to be illegally distributed to millions of users, virtually without cost, if an individual merely makes it available on a single server and points others to the location. Other users can contact that server at any time of day and download the copyrighted work to their own computers. It is unacceptable that today this activity can be carried out by individuals without fear of criminal prosecution.

Imagine the same situation occurring with tangible goods that could not be transmitted over the Internet, such as copying popular movies onto hundreds of blank tapes and passing them out on every street corner or copying personal software onto blank disks and freely distributing them throughout the world. Few would disagree that such activities are illegal and should be prosecuted. We should be no less vigilant when such activities occur on the Internet. We cannot allow the Internet to become the Home Shoplifting Network.

H.R. 2265 makes it a felony to willfully infringe a copyright by reproducing or distributing 10 or more copyrighted works with a value of at least $2,500, within a 180-day period, regardless of whether the infringing individual realized any commercial advantage or private financial gain. It also clarifies an existing portion of the law that makes it a crime to willfully infringe a copyright for profit or personal financial gain. It does so by specifying that receiving other copyrighted works in exchange for pirated copies, bartering essentially, is considered a form of profit and is as unlawful as simply selling pirated works for cash. Additionally, the NET Act calls for victim impact statements during sentencing and directs the sentencing commission to determine a sentence strong enough to deter these crimes.

During the Committee on the Judiciary's consideration of H.R. 2265, I offered an amendment to clarify that

criminal copyright liability should not apply to those who merely intended to reproduce or distribute a copyrighted work without any accompanying criminal intent. With assurances from the chairman that this issue would be addressed, I withdrew that amendment. I am happy to report that language addressing this issue is included in the bill we are considering today, and would like to make a few comments regarding the intent of that provision.

This language is intended to clarify that a finding of willfulness cannot be established solely from evidence of the reproduction or distribution of copyright-protected works and thus, that prosecutions based solely on such evidence will not be pursued. While it is not the majority rule, some cases have held in the past that evidence of the reproduction or distribution of such works by itself is sufficient to establish willfulness under 17 U.S.C. 506. This section rejects the holding of those cases and clarifies that in order for criminal liability to attach to a defendant's conduct, the Government must prove something more than the mere reproduction or distribution of copyrighted works in establishing willfulness.

It should be also emphasized that proof of the defendant's state of mind is not required. The Government should not be required to prove that the defendant was familiar with the criminal copyright statute or violated it intentionally. Particularly in cases of clear infringement, the willfulness standard should be satisfied if there is adequate proof that the defendant acted with reckless disregard of the rights of the copyright holder. In such circumstances, a proclaimed ignorance of the law should not allow the infringer to escape conviction. Willfulness is often established by circumstantial evidence and may be inferred from the facts and circumstances of each case.

Further, a volitional act of infringement performed by the defendant is required by this section. Evidence of reproductions or distributions, including those made electronically on behalf of third parties, would not, by itself, be sufficient to establish willfulness under this act.

Finally, the requirement of a showing of financial gain or commercial advantage under 17 U.S.C. 506(a) is not intended to imply that all types of financial gain or commercial advantage can, by themselves, trigger a finding of willful infringement. It should also be made clear that this act deals only with criminal copyright liability. Nothing in this act affects civil liability for copyright infringement.

Mr. Speaker, the United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software, books, videotapes and records. Our ability to create so many quality products has become a bulwark of our national economy. By closing this loophole in our copyright law, the NET Act sends the strong message that we value the creations of our citizens and will not tolerate the theft of our intellectual property.

I urge my colleagues to support H.R. 2265.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute simply to say that I appreciate the very careful discussion of that point that the gentleman from Virginia [Mr. GOODLATTE] just engaged in, and I want to express my agreement with the exposition that the gentleman from Virginia gave. I think we have as a result of his comments a very clear expression of the consensus that exists on the committee as to the relevant standards that need to be met to find criminal liability.

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

Mr. COBLE. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. CANNON], who has worked dutifully on this bill.

Mr. CANNON. Mr. Speaker, I would like to thank the gentleman from North Carolina [Mr. COBLE]; the gentleman from Massachusetts [Mr. FRANK]; and the gentleman from Virginia [Mr. GOODLATTE], the author of the bill, for their hard work on this matter.

Mr. Speaker, information technologies are the wellspring of our Nation's future, and my home State of Utah is one of the primary sources. The idea of networking computers came from Novell. WordPerfect created the standard for word processing.

Utah is one of the top five U.S. centers for software development. Utah high-tech companies have generated sales in excess of $6.5 billion last year.

The heart of the Utah software industry is Utah County, the largest county in my district. Given the composition of my district, I am honored to be an original cosponsor of the NET, No Electronic Theft Act. I also need to compliment again those who worked so hard to bring this issue to a head today.

This is an important issue. In today's booming economy, U.S. computer software is one of the primary driving engines, with exports topping $26 billion per year. But software piracy is a significant and unjustified burden that American software companies are bearing. Last year piracy cost U.S. software companies an estimated $11.2 billion globally.

The NET Act is a concrete step toward curbing both domestic and international software theft. Current copyright law has a loophole for thieves who give software away, but do not sell it. Three years ago a Massachusetts Federal district court in U.S. versus LaMacchia held that a pirate who had given away 1 million dollars worth of commercial software through a bulletin board could not be prosecuted because the pirate had not been compensated by his fellow thieves.

Playing Robin Hood may have made sense when the Sheriff of Nottingham was extracting tribute from the peasantry, but playing Robin Hood on the Internet is a recipe for disaster for our domestic software industry. That is why we need the NET Act now.

The act is simple. It focuses on the damage done to the software owner, not just the money put into the pocket of the pirate. By doing so, the act gives the Department of Justice the tools to pursue U.S. software pirates who use the Internet as their primary conduit. By shutting down U.S. pirates, we can simultaneously curb domestic and overseas piracy. By doing so, we will boost one of our leading industries, enhance our exports and strengthen our competitiveness in a critical technological area.

For these reasons, I urge an affirmative vote.

Mr. COBLE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I would like to take this opportunity to thank the gentleman from North Carolina [Mr. COBLE]; the gentleman from Virginia [Mr. GOODLATTE]; and the gentleman from Massachusetts [Mr. FRANK] for the excellent work that they are doing on this intellectual property rights issue.

Intellectual property rights, especially when it concerns the entertainment industry and the software industry, is a vital part of the economy of California. We are talking about billions of dollars directly affecting the well-being of the people of my State and, yes, the people of our country.

We have a balance of payment problem as well. Software and entertainment play such an important role in keeping America's balance of payments manageable. So these bills today, both the one we are discussing now and the one we discussed just prior to this, represent hard work and responsibility on the part of this committee, and I would like to congratulate these gentlemen for a job well done.

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

I just want to say that this bill is about preventing theft. It will close a gap that currently exists in the Copyright Act to arrest electronic piracy.

I thank the gentleman from Virginia [Mr. GOODLATTE]; the gentleman from Massachusetts [Mr. FRANK]; and the gentleman from Utah [Mr. CANNON] and others on the subcommittee for the hard work that they did, and I specifically thank the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Virginia [Mr. GOODLATTE] for having alluded to the manager's amendment included in today's bill.

I have submitted for the RECORD an extensive statement describing the intent of that amendment, and I again thank all of the members of the subcommittee for their good work, Mr. Speaker.

Mr. DELAHUNT. Mr. Speaker, I am proud to be a cosponsor of this legislation, and I rise to express my strong support for it.

The age of the Internet promises enormous benefits—instantaneous communication from one end of the planet to the other, paperless financial transactions, access to vast libraries of information at the touch of a button.

But these benefits are not without a price: the same technology that facilitates unprecedented access has also fostered a new breed of sophisticated criminals. Today's Internet pirates can download perfect digital copies of copyrighted works—from movies to musical recordings to video games—and distribute them to other Internet users without the knowledge or permission of the copyright holders.

Software piracy carries enormous costs for our society. Last year, it cost copyright holders between $11 and 20 billion worldwide, with $2.3 billion lost in the United States alone. That, in turn, meant the loss of many thousands of American jobs, higher prices to honest software purchasers, and a billion dollars in lost tax revenues.

Most people who commit these crimes do so for financial gain. But increasingly these crimes are being committed by computer hackers who obtain copyrighted software from lawful users and post it on electronic bulletin boards, free for the taking.

The present copyright law can do little to either deter or punish these crimes, because under current law there can be no culpability unless the defendant was seeking commercial gain. H.R. 2265 corrects that problem by criminalizing computer theft of copyrighted works whether or not the defendant derives a direct financial benefit from his actions.

I believe this measure will help preserve the creative incentive on which so much of our prosperity—and the future of the Internet itself—depend.

I urge support for the bill.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 2265, the NET Act.

The enactment of H.R. 2265 is essential to the continuing growth of the Internet. Daily business developments attest to the pressing need for content to fill the pages of our newest medium for entertainment and mass communications. But that content will simply not be available unless its creators can be assured that their intellectual property will be protected.

The decision of the Federal District Court in Massachusetts in 1994 in *U.S. v. LaMacchia*, however, created a loophole which leaves copyright owners virtually defenseless against those who infringe copyright not for profit, but for the pure fun of it, as a top executive of the Recording Industry Association of America put it at the legislative hearing on H.R. 2265.

We simply must make clear that there is no hacker defense to criminal copyright liability. Copyright owners' exclusive rights of public performance, distribution, and reproduction must be protected no less from the grad student who thinks content on the Internet should be free than from the pirate who reaps a fortune from his counterfeiting operation. The end result is the same: the substantial loss of revenue to intellectual property owners, increasingly as technology makes it possible for more and more content to be moved over digital networks.

In enacting H.R. 2265, we make clear that the computer theft of copyrighted works is subject to criminal penalties, and in so doing exercise our constitutional responsibility to protect copyright. I urge my colleagues to vote for this important legislation.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 2265, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

REQUIRING ATTORNEY GENERAL TO ESTABLISH PROGRAM IN PRISONS TO IDENTIFY CRIMINAL ALIENS AND ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1493) to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1493

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

SECTION 1. PROGRAM OF IDENTIFICATION OF CERTAIN DEPORTABLE ALIENS AWAITING ARRAIGNMENT.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of the enactment of this Act, and subject to such amounts as are provided in appropriations Acts, the Attorney General shall establish and implement a program to identify, from among the individuals who are incarcerated in local governmental incarceration facilities prior to arraignment on criminal charges, those individuals who are within 1 or more of the following classes of deportable aliens:

(1) Aliens unlawfully present in the United States.

(2) Aliens described in paragraph (2) or (4) of section 237(a) of the Immigration and Nationality Act (as redesignated by section 305(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(b) DESCRIPTION OF PROGRAM.—The program authorized by subsection (a) shall include—

(1) the detail, to each incarceration facility selected under subsection (c), of at least one employee of the Immigration and Naturalization Service who has expertise in the identification of aliens described in subsection (a); and

(2) provision of funds sufficient to provide for—

(A) the detail of such employees to each selected facility on a full-time basis, including the portions of the day or night when the greatest number of individuals are incarcerated prior to arraignment;

(B) access for such employees to records of the Service and other Federal law enforcement agencies that are necessary to identify such aliens; and

(C) in the case of an individual identified as such an alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.

(c) SELECTION OF FACILITIES.—

(1) IN GENERAL.—The Attorney General shall select for participation in the program each incarceration facility that satisfies the following requirements:

(A) The facility is owned by the government of a local political subdivision described in clause (i) or (ii) of subparagraph (C).

(B) Such government has submitted a request for such selection to the Attorney General.

(C) The facility is located—

(i) in a county that is determined by the Attorney General to have a high concentration of aliens described in subsection (a); or

(ii) in a city, town, or other analogous local political subdivision, that is determined by the Attorney General to have a high concentration of such aliens (but only in the case of a facility that is not located in a country).

(D) The facility incarcerates or processes individuals prior to their arraignment on criminal charges.

(2) NUMBER OF QUALIFYING SUBDIVISIONS.—For any fiscal year, the total number of local political subdivisions determined under clauses (i) and (ii) of paragraph (1)(C) to meet the standard in such clauses shall be the following:

(A) For fiscal year 1999, not less than 10 and not more than 25.

(B) For fiscal year 2000, not less than 25 and not more than 50.

(C) For fiscal year 2001, not more than 75.

(D) For fiscal year 2002, not more than 100.

(E) For fiscal year 2003 and subsequent fiscal years, 100, or such other number of political subdivisions as may be specified in appropriations Acts.

(3) FACILITIES IN INTERIOR STATES.—For any fiscal year, of the local political subdivisions determined under clauses (i) and (ii) of paragraph (1)(C) to meet the standard in such clauses, not less than 20 percent shall be in States that are not contiguous to a land border.

(4) TREATMENT OF CERTAIN FACILITIES.—All of the incarceration facilities within the county of Orange, California, and the county of Ventura, California, that are owned by the government of a local political subdivision, and satisfy the requirements of paragraph (1)(D), shall be selected for participation in the program.

SEC. 2. STUDY AND REPORT.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall complete a study, and submit a report to the Congress, concerning the logistical and technological feasibility of implementing the program under section 1 in a greater number of locations than those selected under such section through—

(1) the assignment of a single Immigration and Naturalization Service employee to more than 1 incarceration facility; and

(2) the development of a system to permit the Attorney General to conduct off-site verification, by computer or other electronic means, of the immigration status of individuals who are incarcerated in local governmental incarceration facilities prior to arraignment on criminal charges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

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

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1493.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I appreciate the opportunity to rise and speak on behalf of H.R. 1493, a bill to make permanent and expand a very successful pilot program which identifies deportable criminal aliens awaiting arraignment.

□ 1345

Since the pilot program began in November of last year, over 1,400 inmates have been interviewed at the Ventura County Jail. Of that number, almost 60 percent have been found to be deportable criminal aliens. This legislation will make permanent this vital crime-fighting tool, and will also help other affected communities across the Nation.

Like the current pilot program, H.R. 1493 would require the INS to screen for deportable criminal and illegal aliens prior to arraignment, thus preventing the release of these individuals back onto our streets and into our communities.

The bill also calls for a GAO study on expanding the program by allowing INS agents to conduct off-site verification of prisoners using computers or other electronic means.

In our desire to address concerns raised during the hearing on H.R. 1493, the bill was improved in several ways as it moved through the committee process. First, the bill was changed to phase in the pilot program to 100 high-impact counties over a 4-year period. It is important to note that the INS will expand this program only to counties that request to participate. Second, implementation of this expanded program was made subject to funds appropriated. Lastly, the bill was amended in the Committee on the Judiciary to ensure that at least 20 percent of the counties selected will be in the interior of the country.

One of the reasons this program has been so successful, Mr. Speaker, is the fact that it is a point of entry system. It identifies criminal deportable aliens that are booked, not just those serving prison sentences. After being booked or after serving their sentence, deportable criminal aliens are turned over to the INS for detention and deportation. This eliminates the possibility of their release back into our communities.

Equally important is the program's ability to identify criminals prior to their first arraignment before a judge, providing the magistrate with the true identity of the suspect and accurate criminal record information. Testifying on behalf of H.R. 1493, law enforcement officials from California cited the shocking example of a criminal alien who had been arrested 34 times, including 13 burglaries, and had used 51 different names and 13 different birthdays. Mr. Speaker, there are many instances where, had this pilot program been in place, tragedy would have been averted.

One such incident recently occurred in my district. A criminal alien was sentenced to 25 years to life in prison for murdering in cold blood in daylight a defenseless Santa Paula restaurant owner, Isabela Guzman. The man convicted of this cold-blooded murder had been arrested not once, but three times for assault with a deadly weapon. If this program had been in place at the time of the previous arrests, this killer would have been identified and deported, and Isabela Guzman most likely would be alive today.

The program has been one of the few instances where a Federal program has been tested at the local level and found to be a resounding success. In the area where the program has been operating, local law enforcement and local government officials are very supportive of its continuation and expansion. In addition, the measure has garnered bipartisan support throughout this House.

Mr. Speaker, by enacting H.R. 1493, we are finally able to identify and deport criminal aliens at the time they are arrested and before they are back on our streets committing more violent crimes and destroying lives of countless victims.

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

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

Mr. Speaker, I rise in support of H.R. 1493. Mr. Speaker, this legislation would provide assistance to communities in identifying people who have been arrested who are either deportable criminal aliens or who are unlawfully present in the United States. It builds on successful pilot projects, such as the one in Anaheim, CA, which identified a substantial number of individuals who are either in the United States illegally or who might otherwise be subject to deportation.

The bill would require the Attorney General to detail INS employees to certain selected local government jails and prisons in order to identify prior to arraignment deportable criminal aliens or aliens unlawfully in the United States.

The program will be focused on jurisdictions having high concentrations of aliens who are illegally in this country. It would have the benefit of providing better information to immigration authorities and local governments about the extent to which illegal and criminal aliens are in our criminal justice system and would provide immigration authorities with the information they need to remove those individuals who should not be in the United States at all, much less to remain here to commit crimes.

I want there to be no mistake, this Nation has benefited tremendously from immigration and from the contribution of the many millions of people who came here from other lands. In my own city of New York, immigrants are rebuilding old neighborhoods right now and contributing to a rebirth of our city. We should welcome and support them, and not confuse those many law-abiding immigrants with the few who would disregard our laws.

But the United States has every right, as do all nations, to expect that its laws will be respected and obeyed. The enforcement of the immigration laws is the responsibility of the Federal Government. The failure of the Federal Government to do so has placed a real burden on some local communities, a burden which the pilot program established by this bill will help alleviate. I urge approval of the bill.

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

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California, [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me, and praise the gentleman's authorship of this constructive legislation.

Mr. Speaker, H.R. 1493 expands nationwide the successful prearraignment identification programs currently run by the Immigration and Naturalization Service at the city of Anaheim and Ventura County jails. This means that 100 such programs will be phased in across the United States over the next 4 years.

Under these programs, all criminals booked into a local incarceration facility are identified as either citizens, legal aliens, or illegal aliens by a full-time officer of the Immigration and Naturalization Service who has access to the nationwide INS database. The INS officer is detailed to the facility. Those identified by INS as illegal aliens are deported. This is the most effective way to identify criminal illegal aliens and ensure they are deported and not released back into our communities.

Criminal illegal aliens are an outrage three times over. First, they break our immigration laws by crossing the border illegally or by overstaying of a legitimate visa. Second, all too many of them put our communities at risk by committing crimes. Third, they impose burdens on the taxpayers with the costs of their incarceration in American jails.

The program expanded under H.R. 1493 has worked very successfully in Anaheim and in Ventura County. In its first month the program identified 33 percent of the arrestees at the Anaheim city jail and 66 percent of the arrestees at the Ventura County Jail as criminal illegal aliens. Think of it, 33 percent of those arrested, illegal

criminal aliens. And 66 percent of those arrested, criminal illegal aliens.

Think about that.

The President needs to renegotiate the criminal alien transfer treaties so we can deport them if they are convicted and serve time in their own country. But right now let us pass this useful piece of legislation.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, I want to thank the gentleman from New York for yielding time to me.

Mr. Speaker, this is a very appropriate bill, not only for the border States, but also for the entire country. But since I do represent the border State of Texas, I want to share an experience that I have had and why this bill is so important.

In Texas today, the Immigration and Naturalization Service estimates that there are a minimum of about 4,000 undocumented aliens in the State prison system. But that is a minimum. They really do not exactly know, and they think the number is actually much higher, so this is a cost that is being borne by the State taxpayers.

That does not take into account the number of undocumented aliens who are being held in the various municipal and county jails throughout the State of Texas. I am sure the same is true in the State of California and other States around the country.

I want to share with the Members a situation that I had last year that makes this legislation right on point. In my district in Harris County, TX, the third largest county in the country, there are about 10 municipalities, including the city of Houston. But outside the city of Houston, in the city of Pasadena, a community of about 125,000 people, the city mayor and police chief came to me and said that they had a problem.

Their biggest problem was with undocumented aliens that they picked up for various misdemeanor and felony charges, and upon arraignment and release, they would contact, or try and contact, the regional office or the district office of the INS and never be able to get through to anybody to explain to them what was going on and what to do with these individuals who, once being arraigned under State statute, were now subject to Federal immigration statute, but nobody was there to follow through.

After months and months of trying to work with the INS here in Washington, and joining with my colleagues in the Harris County, TX, delegation, we finally were able to obtain some relief in getting more detention beds, going from about 250 detention beds to 750 detention beds for the Harris County area.

But still, it is far insufficient. Of the deportations that occurred last year from the Harris County region, of the approximately 3,300, 2,200 were those of criminal aliens. So this is a severe problem. This legislation will affect and help cities, not just like the city of Houston, but the cities like Pasadena, Deer Park, LaPorte, and Baytown that I represent.

So I appreciate the fact that the Committee on the Judiciary has moved swiftly on this legislation and brought it up. This is a very serious problem that we have in our country and in our large metropolitan areas. I will work very hard with Harris County in helping them apply for this. I hope they can participate in this. I congratulate both the managers of the bill.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the problems of illegal immigration, while predominant in, are certainly not confined to, California, Texas, and our other border States. Illegal immigration has become a nationwide problem across Interstate 80 from the west and up Interstate 15 from the south. Illegal immigration has infected States within our interior, States like Utah, Wyoming, Nebraska, South Dakota, Iowa, and others. These areas are the new and easy targets of illegal aliens, criminal aliens, who bring drugs with them.

The most recent Salt Lake City police records, for example, indicate that 80 percent of arrests for felony level narcotics violations are undocumented aliens. H.R. 1493, the legislation we are discussing today, expands the pilot program that has been extremely successful in the city of Anaheim to several prisons across the Nation.

It is of particular interest to areas like Salt Lake County. One of the main challenges facing Salt Lake County at this time is inadequate jail space and lack of identification capabilities for aliens arrested by local authorities. By identifying illegal aliens prior to arraignment under this program, they can be deported immediately, rather than held in local jails at the expense of local taxpayers, rather than taking up space better used to hold more violent criminals arrested for committing local crimes, or worse yet, rather than being set free due to lack of jail space, and endangering the local populations.

By identifying illegal aliens, the burden which the Federal Government is currently placing on local entities can be significantly relieved. We live in times of limited resources. I was concerned that States like Utah would not be selected to participate in this very effective program, so during consideration of H.R. 1493 in the Committee on the Judiciary, I was pleased to have the opportunity to work with the gentleman from California [Mr. GALLEGLY], the gentleman from Texas [Mr. SMITH], the gentleman from North Carolina [Mr. WATT], and other distinguished members of the subcommittee to ensure that our interior States will be able to reap the benefits of this program.

Of the qualified facilities selected across the Nation for participation in the program, 20 percent of those must be located in areas that are not adjacent to a land border. This means that beginning in 1999, of the up to 25 sites selected for participation, about 5 must be located in interior areas with high concentrations of illegal immigration.

While we continue to read report after report of the problems with the Immigration and Naturalization Service, we must lend our support today to a program with a proven track record that will assist our local and State communities to stem the problem of illegal immigration.

□ 1400

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. GALLEGLY]. He has been fighting this battle for a long time. He has taken many arrows and slings on various issues, whether it is 245(i) or other issues that have come before this body dealing with the illegal immigration issue.

Those of us in California know the deleterious effect that illegal immigration is having on our society and the harmful impact it is having on the lives of our citizens.

I rise in strong support of H.R. 1493, a bill that will make permanent and build upon a highly successful INS criminal alien identification program in Anaheim, CA. This program places INS agents at the Anaheim city jail to identify illegal aliens after they have been arrested prior to arraignment, as we have heard. This provides the judge the information a judge will need to prevent a suspect's release if he or she is in this country illegally.

Now, Members should understand the significance of what that means. I am an original cosponsor of H.R. 1493 because I believe it is a commonsense approach in dealing with those who have broken our immigration laws. This legislation will also send a clear message to those who are here illegally that blatantly violate our immigration laws will no longer be rewarding.

In the first 10 months of this year alone, illegal aliens were suspects in 22 percent of Anaheim's, this is the city we are talking about here, Anaheim's murders and 53 percent of all rapes. Illegal aliens made up 1,800 of the total Anaheim arrests so far this year.

It does not surprise me that those who would not respect our immigration laws would disregard the civil and criminal laws of our country as well. Without a program to identify these individuals as illegal aliens, they will be released into our society after they are arraigned. So it is imperative for us to make sure that judges understand who is in this country illegally so that they

will just not be released. These people, if anybody, should be deported.

Contrary to what some Members say, a major reason we have a systematic process for legal immigration to this country is to keep an eye on individuals who we are finding now showing up in our jails. Our attempts last week to defeat 245(i) were defeated. Section 245(i) helps screen out; if we would eliminate that process, illegal aliens were being screened out because they had criminal backgrounds. But with 245(i), sometimes illegal aliens end up in this society. Now we are trying to do this to ensure that there is an identification process.

And one last word, and that is, I congratulate the gentleman from California [Mr. GALLEGLY] and the gentleman from California [Mr. PACKARD] who have worked so hard on this. The INS, under this administration, has been putting up roadblocks for us to try to get these illegal aliens in our jails from being deported from this country. This legislation is a good first step toward deporting illegal immigrants who are committing crimes and attacking our citizens.

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

I will comment very briefly, Mr. Speaker. This has nothing to do with section 245(i). I am glad we defeated the attempt to eliminate that last week. The people, in dealing with 245(i), are not criminal aliens, but this bill that does deal with criminal aliens and people who are here illegally, I simply want to commend the bipartisan nature of the cooperation, the bipartisan cooperation with which this bill was drafted and brought to the floor. Hopefully, it will be passed today. I urge all my colleagues to support it.

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

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

Mr. Speaker, I would also like to make a point that most of the criminals who have been identified by this program are not first-time offenders. During the first 5 months of the pilot program, data compiled by INS at the Ventura County jail indicated that 70 percent of those identified as criminal or illegal aliens had at least one prior conviction. Most of these convictions were for very serious crimes, including 30 individuals who had prior convictions for aggravated felonies and 61 who had narcotics convictions.

In closing, Mr. Speaker, I would like to refer to the testimony of Richard Bryce, the undersheriff of Ventura County Sheriff's Department. In the subcommittee hearing Mr. Bryce stated, and I quote, to truly understand the benefit of such a program, it is important to realize the type of persons it identifies. The criminals, who the INS agents have determined are illegal aliens, include drug dealers, gang members involved in drive-by shootings, rapists, and murderers. Many of them have a long history of criminal activity.

Mr. Speaker, I thank the gentleman from New York [Mr. NADLER] for his bipartisan approach to working with this legislation, the gentleman from Texas [Mr. BENTSEN] for speaking on it, and many of the other Members on the other side of the aisle. This truly is a piece of bipartisan legislation. I urge my colleagues to join us in supporting this commonsense, crime-fighting legislation.

Ms. SANCHEZ. Mr. Speaker, I rise today to express my strong and full support for H.R. 1493. In addition, I am submitting two letters I received regarding this issue.

In particular, I want to call attention to the fact that this bill will permanently reinstate a criminal alien, prearraignment identification program at the detention facility in the city of Anaheim, CA.

This successful INS pilot program has existed in the city of Anaheim since October 1996.

The pilot program has effectively identified 4,500 undocumented criminal aliens in city detention facilities before their initial court appearance. Such suspects often fail to appear for subsequent court proceedings. The INS can then determine which inmates are in the country illegally and therefore subject to deportation.

On February 27, 1997, I wrote the Commissioner of the INS to urge continued operation of the prearraingment pilot program which was set to expire in April 1997. In addition, I asked the General Accounting Office to evaluate the cost effectiveness of the project.

On March 14, I received a letter from the city of Anaheim thanking me for supporting the project as well as suggesting criteria for the GAO study.

On April 3, the INS informed me that the program had been extended through June 30, 1997, primarily because of the facts I brought to their attention in support of the program.

Finally, on June 20, 1997, I joined my colleagues in the Orange County congressional delegation in a bipartisan letter to the INS to extend the program. The INS agreed to continue the program indefinitely pending the continuation of appropriated funds.

I have worked diligently on this issue because criminal conduct has no place in our communities. Moreover, undocumented criminal aliens should be quickly and permanently deported.

Not only do I support the permanent deportation of undocumented criminal aliens, I want them caught before they commit crimes and jeopardize our communities. Without Federal assistance in undertaking this law enforcement effort, undocumented criminal aliens could cause undue harm to women, men, and children.

Furthermore, immigration matters such as the determination of the immigration status of aliens is a Federal function.

Local law enforcement should not perform the rightful duties of INS agents. Police must continue to take care when arresting individuals.

Arrests must be based on probable cause and not on some profile based on ethnicity.

The Federal Government should do all it can to avoid burdening state and local police budgets with the cost of identifying, apprehending and deporting undocumented criminal aliens.

As a fiscal conservative, I believe Congress must implement a cost-effective program that deploys INS enforcement officers in the most efficient manner.

I believe the bill would help ensure this is accomplished.

We need to ensure that more criminals are captured earlier, before they have done harm to our people in our districts, and before they end up being a burden to our local law enforcement.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 20, 1997.

Ms. DORIS MEISSNER,
Commissioner, Immigration and Naturalization Service, Chester Arthur Building, Washington, DC.

DEAR COMMISSIONER MEISSNER: As members of Orange County's Congressional Delegation, we ask that you continue the City of Anaheim's Criminal Illegal Alien Pre-Arraignment Identification Program after June 30, 1997.

As you indicated in a March 17, 1997, letter to Anaheim City Mayor Tom Daly, ''The INS is constantly striving for new and innovative law enforcement initiatives to combat the involvement of foreign nationals in criminal activities. From all reports I have received thus far, the Anaheim project certainly has the potential of becoming such an initiative.'' The success of this program, and its sister program in Ventura County, has led to the introduction of H.R. 1493, a bill to extend these programs nationwide. The House Immigration and Claims Subcommittee recently held a hearing on H.R. 1493, and plans on moving this bill in the near future.

In light of the fact that the Anaheim program is the only one of its kind in a city jail, and the only means of obtaining data from which Congress can evaluate the merits of this program, we strongly urge you to continue the program.

We look forward to your response to this urgent request.

Sincerely,

DANA ROHRABACHER.
RON PACKARD.
LORETTA SANCHEZ.
CHRIS COX.
ED ROYCE.

CITY OF ANAHEIM, CA,
March 14, 1997.

Hon. LORETTA SANCHEZ,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN SANCHEZ: Thank you for your prompt response to our request for your support and endorsement of the continuation of the Anaheim/Immigration and Naturalization Service Pre-arraignment Criminal Alien Identification pilot project. We appreciate your request to Commissioner Meissner to continue this effective crime prevention tool.

With respect to the evaluation on the effectiveness of the pilot program, we feel it is important that any assessment include the value of ''point of entry'' identification and its direct relationship to actual number of suspected criminal illegal alien deportation. Since the inception of Anaheim's pilot program with the INS, 344 criminal aliens were placed directly in deportation proceedings. As you know, the cornerstone of Anaheim's pilot project is a pre-arraignment identification program designed to reduce the burden on local law enforcement and the court system. A criminal alien identification program at the County level functions as a post-arraignment system. As an example, in a County post-arraignment program, the 344 criminal aliens identified in Anaheim may have never been identified by INS by the time

they were incarcerated at a County facility, and therefore released. Compounding the problem for local agencies is the ''revolving door'' phenomenon (repeat offenders using several assumed names) that occurs as a result of the absence of INS expertise at the municipal level. This aspect of the program (pre-arraignment identification) is the essence of the program's effectiveness in reducing crime.

In addition to program effectiveness, it is also important to evaluate the current INS enforcement priorities set forth by Congress and the Administration. The number of agents assigned to criminal alien identification programs is insufficient. Reprioritizing of INS programs, policies, and resources would address the Commissioner's concerns regarding the deployment of available agents.

Again, thank you for your consideration and responsiveness to our request. If you or your staff need additional information on the Anaheim pilot project, please do not hesitate to contact us.

Sincerely,

BOB ZEMEL,
Council Member.

TOM TAIT,
Council Member.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 1493 which was introduced by my good friend from California, Mr. GALLEGLY. I enjoyed working with my colleague in the drafting of this bill as it addresses issues which seriously affect our home State. This bill will require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and persons unlawfully present in the United States.

The bill directs the Attorney General to detail Immigration and Naturalization Service employees to selected city and county incarceration facilities. This program is different from the Institutional Hearing Program [IHP], which I also strongly support, where INS employees are stationed at State and Federal penal institutions to identify aliens convicted of deportable crimes. The IHP exists so that deportable criminal aliens can be placed into deportation proceedings while incarcerated, and then removed from the United States upon completion of their sentence.

H.R. 1493 will compliment the IHP as it will help identify deportable aliens AFTER arrest and BEFORE arraignment. This prearraignment process will identify unlawful residents and persons previously convicted of deportable crimes even if they are never tried for or convicted of the offenses for which they have been arrested. These individuals can then be turned over to the INS for removal from the United States.

This bill is subject to appropriations and participating facilities are phased in over a 4-year period. The CBO has estimated that this program will cost between $40 million and $200 million over the 1999–2002 period. I'm sure we can all agree that funding directed toward identifying and deporting criminal aliens is well spent.

Illegal immigration is a Federal problem, but its impact is felt primarily on the local level. It is the responsibility of the Federal Government to allocate resources to combat the many hardships which are in turn thrust upon those at the local level. I will continue to fight for programs which recognize this simple, but vital fact.

I am proud to be a cosponsor of this legislation and I urge my colleagues to support it.

Mr. KIM. Mr. Speaker, I rise today in strong support of H.R. 1493, a bill to authorize the Immigration and Naturalization Service to establish a permanent program to identify criminal illegal immigrants in local jails around the country. I am particularly pleased because this bill is patterned after an enormously successful pilot program that has been in operation in my district since last November.

When I was first elected to Congress in 1992, I immediately began hearing from law enforcement officials in my district about the tremendous burden that criminal illegal immigrants were putting on local jails. In my district and around the country, local authorities have been forced to house and process criminals, only to later find out that some are in the United States illegally, and could have been deported when first identified. Working closely with my congressional colleagues from Orange County, we looked for ways to help local communities solve this problem.

At our insistence, last year's Illegal Immigration Reform and Immigrant Responsibility Act established a pilot program in the Anaheim City Jail that identified, prior to arraignment, illegal immigrants who had been picked up for various crimes. Once identified, the illegal immigrants were immediately placed in deportation proceedings rather than clogging our local judicial system. In just the first 3 months that this program was in effect in Anaheim, INS officials placed holds on 338 inmates, nearly 17 percent of all those the jail processed. These criminal illegal immigrants were then removed into INS deportation proceedings, rather than remaining the responsibility of Anaheim, saving the local government the significant costs associated with housing and processing these criminals.

Because this pilot program was such a success in Anaheim, I am an original cosponsor of the bill we are considering today that would authorize the INS to continue the current program in Anaheim, and institute similar programs in other jails through my district and around the country, in communities with the highest concentration of illegal immigrants. Judging from what I have seen in Anaheim, this is a program that would provide tremendous benefits to many communities that are being inundated with criminal illegal immigrants.

Preventing illegal immigration is a Federal responsibility. Therefore, it is incumbent on the Federal Government to assist local authorities in combating crimes committed by illegal immigrants. I urge all my colleagues to support this bill.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1493, as amended.

The question was taken.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 91) granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact, as amended.

The Clerk read as follows:

H.J. RES. 91

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

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Apalachicola-Chattahoochee-Flint River Basin Compact entered into by the States of Alabama, Florida, and Georgia. The Compact is substantially as follows:

''Apalachicola-Chattahoochee-Flint River Basin Compact

''The States of Alabama, Florida and Georgia and the United States of America hereby agree to the following compact which shall become effective upon enactment of concurrent legislation by each respective state legislature and the Congress of the United States.

''SHORT TITLE

''This Act shall be known and may be cited as the 'Apalachicola-Chattahoochee-Flint River Basin Compact' and shall be referred to hereafter in this document as the 'ACF Compact' or 'Compact'.

''ARTICLE I

''COMPACT PURPOSES

''This Compact among the States of Alabama, Florida and Georgia and the United States of America has been entered into for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the ACF, engaging in water planning, and developing and sharing common data bases.

''ARTICLE II

''SCOPE OF THE COMPACT

''This Compact shall extend to all of the waters arising within the drainage basin of the ACF in the states of Alabama, Florida and Georgia.

''ARTICLE III

''PARTIES

''The parties to this Compact are the states of Alabama, Florida and Georgia and the United States of America.

''ARTICLE IV

''DEFINITIONS

''For the purposes of this Compact, the following words, phrases and terms shall have the following meanings:

''(a) 'ACF Basin' or 'ACF' means the area of natural drainage into the Apalachicola River and its tributaries, the Chattahoochee River and its tributaries, and the Flint River and its tributaries. Any reference to the rivers within this Compact will be designated using the letters 'ACF' and when so referenced will mean each of these three rivers and each of the tributaries to each such river.

''(b) 'Allocation formula' means the methodology, in whatever form, by which the ACF Basin Commission determines an equitable apportionment of surface waters within the ACF Basin among the three states. Such formula may be represented by a table, chart, mathematical calculation or any other expression of the Commission's apportionment of waters pursuant to this compact.

''(c) 'Commission' or 'ACF Basin Commission' means the Apalachicola-Chattahoochee-Flint River Basin Commission created and established pursuant to this Compact.

''(d) 'Ground waters' means waters within a saturated zone or stratum beneath the surface of land, whether or not flowing through known and definite channels.

''(e) 'Person' means any individual, firm, association, organization, partnership, business, trust, corporation, public corporation, company, the United States of America, any state, and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

''(f) 'Surface waters' means waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be considered 'surface waters' when it exits from the spring onto the surface of the earth.

''(g) 'United States' means the executive branch of the government of the United States of America, and any department, agency, bureau or division thereof.

''(h) 'Water Resource Facility' means any facility or project constructed for the impoundment, diversion, retention, control or regulation of waters within the ACF Basin for any purpose.

''(i) 'Water resources,' or 'waters' means all surface waters and ground waters contained or otherwise originating within the ACF Basin.

''ARTICLE V

''CONDITIONS PRECEDENT TO LEGAL VIABILITY OF THE COMPACT

''This Compact shall not be binding on any party until it has been enacted into law by the legislatures of the states of Alabama, Florida and Georgia and by the Congress of the United States of America.

''ARTICLE VI

''ACF BASIN COMMISSION CREATED

''(a) There is hereby created an interstate administrative agency to be known as the 'ACF Basin Commission.' The Commission shall be comprised of one member representing the state of Alabama, one member representing the state of Florida, one member representing the state of Georgia, and one non-voting member representing the United States of America. The state members shall be known as 'State Commissioners' and the federal member shall be known as 'Federal Commissioner.' The ACF Basin Commission is a body politic and corporate, with succession for the duration of this Compact.

''(b) The Governor of each of the states shall serve as the State Commissioner for his or her state. Each State Commissioner shall appoint one or more alternate members and one of such alternates as designated by the State Commissioner shall serve in the State Commissioner's place and carry out the functions of the State Commissioner, including voting on Commission matters, in the event the State Commissioner is unable to attend a meeting of the Commission. The alternate members from each state shall be knowledgeable in the field of water resources management. Unless otherwise provided by law of the state for which an alternate State Commissioner is appointed, each alternate State Commissioner shall serve at the pleasure of the State Commissioner. In the event of a vacancy in the office of an alternate, it shall be filled in the same manner as an original appointment.

''(c) The President of the United States of America shall appoint the Federal Commissioner who shall serve as the representative of all federal agencies with an interest in the ACF. The President shall also appoint an alternate Federal Commissioner to attend and participate in the meetings of the Commission in the event the Federal Commissioner is unable to attend meetings. When at meetings, the alternate Federal Commissioner shall possess all of the powers of the Federal Commissioner. The Federal Commissioner and alternate appointed by the President shall serve until they resign or their replacements are appointed.

''(d) Each state shall have one vote on the ACF Basin Commission and the Commission shall make all decisions and exercise all powers by unanimous vote of the three State Commissioners. The Federal Commissioner shall not have a vote, but shall attend and participate in all meetings of the ACF Basin Commission to the same extent as the State Commissioners.

''(e) The ACF Basin Commission shall meet at least once a year at a date set at its initial meeting. Such initial meeting shall take place within ninety days of the ratification of the Compact by the Congress of the United States and shall be called by the chairman of the Commission. Special meetings of the Commission may be called at the discretion of the chairman of the Commission and shall be called by the chairman of the Commission upon written request of any member of the Commission. All members shall be notified of the time and place designated for any regular or special meeting at least five days prior to such meeting in one of the following ways: by written notice mailed to the last mailing address given to the Commission by each member, by facsimile, telegram or by telephone. The Chairmanship of the Commission shall rotate annually among the voting members of the Commission on an alphabetical basis, with the first chairman to be the State Commissioner representing the State of Alabama.

''(f) All meetings of the Commission shall be open to the public.

''(g) The ACF Basin Commission, so long as the exercise of power is consistent with this Compact, shall have the following general powers:

''(1) to adopt bylaws and procedures governing its conduct;

''(2) to sue and be sued in any court of competent jurisdiction;

''(3) to retain and discharge professional, technical, clerical and other staff and such consultants as are necessary to accomplish the purposes of this Compact;

''(4) to receive funds from any lawful source and expend funds for any lawful purpose;

''(5) to enter into agreements or contracts, where appropriate, in order to accomplish the purposes of this Compact;

''(6) to create committees and delegate responsibilities;

''(7) to plan, coordinate, monitor, and make recommendations for the water resources of the ACF Basin for the purposes of, but not limited to, minimizing adverse impacts of floods and droughts and improving water quality, water supply, and conservation as may be deemed necessary by the Commission;

''(8) to participate with other governmental and non-governmental entities in carrying out the purposes of this Compact;

''(9) to conduct studies, to generate information regarding the water resources of the ACF Basin, and to share this information among the Commission members and with others;

''(10) to cooperate with appropriate state, federal, and local agencies or any other person in the development, ownership, sponsorship, and operation of water resource facilities in the ACF Basin; provided, however, that the Commission shall not own or operate a federally-owned water resource facility unless authorized by the United States Congress;

''(11) to acquire, receive, hold and convey such personal and real property as may be necessary for the performance of its duties under the Compact; provided, however, that nothing in this Compact shall be construed as granting the ACF Basin Commission authority to issue bonds or to exercise any right of eminent domain or power of condemnation;

''(12) to establish and modify an allocation formula for apportioning the surface waters of the ACF Basin among the states of Alabama, Florida and Georgia; and

''(13) to perform all functions required of it by this Compact and to do all things necessary, proper or convenient in the performance of its duties hereunder, either independently or in cooperation with any state or the United States.

''ARTICLE VII

''EQUITABLE APPORTIONMENT

''(a) It is the intent of the parties to this Compact to develop an allocation formula for equitably apportioning the surface waters of the ACF Basin among the states while protecting the water quality, ecology and biodiversity of the ACF, as provided in the Clean Water Act, 33 U.S.C. Sections 1251 et seq., the Endangered Species Act, 16 U.S.C. Sections 1532 et seq., the National Environmental Policy Act, 42 U.S.C. Sections 4321 et seq., the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401 et seq., and other applicable federal laws. For this purpose, all members of the ACF Basin Commission, including the Federal Commissioner, shall have full rights to notice of and participation in all meetings of the ACF Basin Commission and technical committees in which the basis and terms and conditions of the allocation formula are to be discussed or negotiated. When an allocation formula is unanimously approved by the State Commissioners, there shall be an agreement among the states regarding an allocation formula. The allocation formula thus agreed upon shall become effective and binding upon the parties to this Compact upon receipt by the Commission of a letter of concurrence with said formula from the Federal Commissioner. If, however, the Federal Commissioner fails to submit a letter of concurrence to the Commission within two hundred ten (210) days after the allocation formula is agreed upon by the State Commissioners, the Federal Commissioner shall within forty-five (45) days thereafter submit to the ACF Basin Commission a letter of nonconcurrence with the allocation formula setting forth therein specifically and in detail the reasons for nonconcurrence; provided, however, the reasons for nonconcurrence as contained in the letter of nonconcurrence shall be based solely upon federal law. The allocation formula shall also become effective and binding upon the parties to this Compact if the Federal Commissioner fails to submit to the ACF Basin Commission a letter of nonconcurrence in accordance with this Article. Once adopted pursuant to this Article, the allocation formula may only be modified by unanimous decision of the State Commissioners and the concurrence by the Federal Commissioner in accordance with the procedures set forth in this Article.

''(b) The parties to this Compact recognize that the United States operates certain projects within the ACF Basin that may influence the water resources within the ACF Basin. The parties to this Compact further acknowledge and recognize that various agencies of the United States have responsibilities for administering certain federal laws and exercising certain federal powers that may influence the water resources within the ACF Basin. It is the intent of the parties to this Compact, including the United States, to achieve compliance with the allocation formula adopted in accordance with this Article. Accordingly, once an allocation formula is adopted, each and every officer, agency, and instrumentality of the United States shall have an obligation and duty, to the maximum extent practicable, to exercise their powers, authority, and discretion in a manner consistent with the allocation formula so long as the exercise of such powers, authority, and discretion is not in conflict with federal law.

''(c) Between the effective date of this Compact and the approval of the allocation formula under this Article, the signatories to this Compact agree that any person who is withdrawing, diverting, or consuming water resources of the ACF Basin as of the effective date of this Compact, may continue to withdraw, divert or consume such water resources in accordance with the laws of the state where such person resides or does business and in accordance with

applicable federal laws. The parties to this Compact further agree that any such person may increase the amount of water resources withdrawn, diverted or consumed to satisfy reasonable increases in the demand of such person for water between the effective date of this Compact and the date on which an allocation formula is approved by the ACF Basin Commission as permitted by applicable law. Each of the state parties to this Compact further agree to provide written notice to each of the other parties to this Compact in the event any person increases the withdrawal, diversion or consumption of such water resources by more than 10 million gallons per day on an average annual daily basis, or in the event any person, who was not withdrawing, diverting or consuming any water resources from the ACF Basin as of the effective date of this Compact, seeks to withdraw, divert or consume more than one million gallons per day on an average annual daily basis from such resources. This Article shall not be construed as granting any permanent, vested or perpetual rights to the amounts of water used between January 3, 1992 and the date on which the Commission adopts an allocation formula.

''(d) As the owner, operator, licensor, permitting authority or regulator of a water resource facility under its jurisdiction, each state shall be responsible for using its best efforts to achieve compliance with the allocation formula adopted pursuant to this Article. Each such state agrees to take such actions as may be necessary to achieve compliance with the allocation formula.

''(e) This Compact shall not commit any state to agree to any data generated by any study or commit any state to any allocation formula not acceptable to such state.

''ARTICLE VIII

''CONDITIONS RESULTING IN TERMINATION OF THE COMPACT

''(a) This Compact shall be terminated and thereby be void and of no further force and effect if any of the following events occur:

''(1) The legislatures of the states of Alabama, Florida and Georgia each agree by general laws enacted by each state within any three consecutive years that this Compact should be terminated.

''(2) The United States Congress enacts a law expressly repealing this Compact.

''(3) The States of Alabama, Florida and Georgia fail to agree on an equitable apportionment of the surface waters of the ACF as provided in Article VII(a) of this Compact by December 31, 1998, unless the voting members of the ACF Basin Commission unanimously agree to extend this deadline.

''(4) The Federal Commissioner submits to the Commission a letter of nonconcurrence in the initial allocation formula in accordance with Article VII(a) of the Compact, unless the voting members of the ACF Basin Commission unanimously agree to allow a single 45 day period in which the non-voting Federal Commissioner and the voting State Commissioners may renegotiate an allocation formula and the Federal Commissioner withdraws the letter of nonconcurrence upon completion of this renegotiation.

''(b) If the Compact is terminated in accordance with this Article it shall be of no further force and effect and shall not be the subject of any proceeding for the enforcement thereof in any federal or state court. Further, if so terminated, no party shall be deemed to have acquired a specific right to any quantity of water because it has become a signatory to this Compact.

''ARTICLE IX

''COMPLETION OF STUDIES PENDING ADOPTION OF ALLOCATION FORMULA

''The ACF Basin Commission, in conjunction with one or more interstate, federal, state or local agencies, is hereby authorized to participate in any study in process as of the effective date of this Compact, including, without limitation, all or any part of the Alabama-Coosa-Tallapoosa/Apalachicola-Chattahoochee-Flint River Basin Comprehensive Water Resource Study, as may be determined by the Commission in its sole discretion.

''ARTICLE X

''RELATIONSHIP TO OTHER LAWS

''(a) It is the intent of the party states and of the United States Congress by ratifying this Compact, that all state and federal officials enforcing, implementing or administering other state and federal laws affecting the ACF Basin shall, to the maximum extent practicable, enforce, implement or administer those laws in furtherance of the purposes of this Compact and the allocation formula adopted by the Commission insofar as such actions are not in conflict with applicable federal laws.

''(b) Nothing contained in this Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

''(c) Nothing contained in this Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions or jurisdiction under other existing or future laws in and over the area or waters which are the subject of the Compact, including projects of the Commission, nor shall any act of the Commission have the effect of repealing, modifying or amending any federal law. All officers, agencies and instrumentalities of the United States shall exercise their powers and authority over water resources in the ACF Basin and water resource facilities, and to the maximum extent practicable, shall exercise their discretion in carrying out their responsibilities, powers, and authorities over water resources in the ACF Basin and water resource facilities in the ACF Basin in a manner consistent with and that effectuates the allocation formula developed pursuant to this Compact or any modification of the allocation formula so long as the actions are not in conflict with any applicable federal law. The United States Army Corps of Engineers, or its successors, and all other federal agencies and instrumentalities shall cooperate with the ACF Basin Commission in accomplishing the purposes of the Compact and fulfilling the obligations of each of the parties to the Compact regarding the allocation formula.

''(d) Once adopted by the three states and ratified by the United States Congress, this Compact shall have the full force and effect of federal law, and shall supersede state and local laws operating contrary to the provisions herein or the purposes of this Compact; provided, however, nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory states relating to water quality, and riparian rights as among persons exclusively within each state.

''ARTICLE XI

''PUBLIC PARTICIPATION

''All meetings of the Commission shall be open to the public. The signatory parties recognize the importance and necessity of public participation in activities of the Commission, including the development and adoption of the initial allocation formula and any modification thereto. Prior to the adoption of the initial allocation formula, the Commission shall adopt procedures ensuring public participation in the development, review, and approval of the initial allocation formula and any subsequent modification thereto. At a minimum, public notice to interested parties and a comment period shall be provided. The Commission shall respond in writing to relevant comments.

''ARTICLE XII

''FUNDING AND EXPENSES OF THE COMMISSION

''Commissioners shall serve without compensation from the ACF Basin Commission. All general operational funding required by the Commission and agreed to by the voting members shall obligate each state to pay an equal share of such agreed upon funding. Funds remitted to the Commission by a state in payment of such obligation shall not lapse; provided, however, that if any state fails to remit payment within 90 days after payment is due, such obligation shall terminate and any state which has made payment may have such payment returned. Costs of attendance and participation at meetings of the Commission by the Federal Commissioner shall be paid by the United States.

''ARTICLE XIII

''DISPUTE RESOLUTION

''(a) In the event of a dispute between two or more voting members of this Compact involving a claim relating to compliance with the allocation formula adopted by the Commission under this Compact, the following procedures shall govern:

''(1) Notice of claim shall be filed with the Commission by a voting member of this Compact and served upon each member of the Commission. The notice shall provide a written statement of the claim, including a brief narrative of the relevant matters supporting the claimant's position.

''(2) Within twenty (20) days of the Commission's receipt of a written statement of a claim, the party or parties to the Compact against whom the complaint is made may prepare a brief narrative of the relevant matters and file it with the Commission and serve it upon each member of the Commission.

''(3) Upon receipt of a claim and any response or responses thereto, the Commission shall convene as soon as reasonably practicable, but in no event later than twenty (20) days from receipt of any response to the claim, and shall determine if a resolution of the dispute is possible.

''(4) A resolution of a dispute under this Article through unanimous vote of the State Commissioners shall be binding upon the state parties and any state party determined to be in violation of the allocation formula shall correct such violation without delay.

''(5) If the Commission is unable to resolve the dispute within 10 days from the date of the meeting convened pursuant to subparagraph (a)(3) of this Article, the Commission shall select, by unanimous decision of the voting members of the Commission, an independent mediator to conduct a non-binding mediation of the dispute. The mediator shall not be a resident or domiciliary of any member state, shall not be an employee or agent of any member of the Commission, shall be a person knowledgeable in water resource management issues, and shall disclose any and all current or prior contractual or other relations to any member of the Commission. The expenses of the mediator shall be paid by the Commission. If the mediator becomes unwilling or unable to serve, the Commission by unanimous decision of the voting members of the Commission, shall appoint another independent mediator.

''(6) If the Commission fails to appoint an independent mediator to conduct a non-binding mediation of the dispute within seventy-five (75) days of the filing of the original claim or within thirty (30) days of the date on which the Commission learns that a mediator is unwilling or unable to serve, the party submitting the claim shall have no further obligation to bring the claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

''(7) If an independent mediator is selected, the mediator shall establish the time and location for the mediation session or sessions and may request that each party to the Compact submit, in writing, to the mediator a statement of its position regarding the issue or issues in dispute. Such statements shall not be exchanged by the parties except upon the unanimous agreement of the parties to the mediation.

''(8) The mediator shall not divulge confidential information disclosed to the mediator by the

parties or by witnesses, if any, in the course of the mediation. All records, reports, or other documents received by a mediator while serving as a mediator shall be considered confidential. The mediator shall not be compelled in any adversary proceeding or judicial forum to divulge the contents of such documents or the fact that such documents exist or to testify in regard to the mediation.

''(9) Each party to the mediation shall maintain the confidentiality of the information received during the mediation and shall not rely on or introduce in any judicial proceeding as evidence:

''a. Views expressed or suggestions made by another party regarding a settlement of the dispute;

''b. Proposals made or views expressed by the mediator; or

''c. The fact that another party to the hearing had or had not indicated a willingness to accept a proposal for settlement of the dispute.

''(10) The mediator may terminate the nonbinding mediation session or sessions whenever, in the judgment of the mediator, further efforts to resolve the dispute would not lead to a resolution of the dispute between or among the parties. Any party to the dispute may terminate the mediation process at any time by giving written notification to the mediator and the Commission. If terminated prior to reaching a resolution, the party submitting the original claim to the Commission shall have no further obligation to bring its claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

''(11) The mediator shall have no authority to require the parties to enter into a settlement of any dispute regarding the Compact. The mediator may simply attempt to assist the parties in reaching a mutually acceptable resolution of their dispute. The mediator is authorized to conduct joint and separate meetings with the parties to the mediation and to make oral or written recommendations for a settlement of the dispute.

''(12) At any time during the mediation process, the Commission is encouraged to take whatever steps it deems necessary to assist the mediator or the parties to resolve the dispute.

''(13) In the event of a proceeding seeking enforcement of the allocation formula, this Compact creates a cause of action solely for equitable relief. No action for money damages may be maintained. The party or parties alleging a violation of the Compact shall have the burden of proof.

''(b) In the event of a dispute between any voting member and the United States relating to a state's noncompliance with the allocation formula as a result of actions or a refusal to act by officers, agencies or instrumentalities of the United States, the provisions set forth in paragraph (a) of this Article (other than the provisions of subparagraph (a)(4)) shall apply.

''(c) The United States may initiate dispute resolution under paragraph (a) in the same manner as other parties to this Compact.

''(d) Any signatory party who is affected by any action of the Commission, other than the adoption or enforcement of or compliance with the allocation formula, may file a complaint before the ACF Basin Commission seeking to enforce any provision of this Compact.

''(1) The Commission shall refer the dispute to an independent hearing officer or mediator, to conduct a hearing or mediation of the dispute. If the parties are unable to settle their dispute through mediation, a hearing shall be held by the Commission or its designated hearing officer. Following a hearing conducted by a hearing officer, the hearing officer shall submit a report to the Commission setting forth findings of fact and conclusions of law, and making recommendations to the Commission for the resolution of the dispute.

''(2) The Commission may adopt or modify the recommendations of the hearing officer within 60 days of submittal of the report. If the Commission is unable to reach unanimous agreement on the resolution of the dispute within 60 days of submittal of the report with the concurrence of the Federal Commissioner in disputes involving or affecting federal interests, the affected party may file an action in any court of competent jurisdiction to enforce the provisions of this Compact. The hearing officer's report shall be of no force and effect and shall not be admissible as evidence in any further proceedings.

''(e) All actions under this Article shall be subject to the following provisions:

''(1) The Commission shall adopt guidelines and procedures for the appointment of hearing officers or independent mediators to conduct all hearings and mediations required under this Article. The hearing officer or mediator appointed under this Article shall be compensated by the Commission.

''(2) All hearings or mediations conducted under this article may be conducted utilizing the Federal Administrative Procedures Act, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. The Commission may also choose to adopt some or all of its own procedural and evidentiary rules for the conduct of hearings or mediations under this Compact.

''(3) Any action brought under this Article shall be limited to equitable relief only. This Compact shall not give rise to a cause of action for money damages.

''(4) Any signatory party bringing an action before the Commission under this Article shall have the burdens of proof and persuasion.

''ARTICLE XIV

''ENFORCEMENT

''The Commission may, upon unanimous decision, bring an action against any person to enforce any provision of this Compact, other than the adoption or enforcement of or compliance with the allocation formula, in any court of competent jurisdiction.

''ARTICLE XV

''IMPACTS ON OTHER STREAM SYSTEMS

''This Compact shall not be construed as establishing any general principle or precedent applicable to any other interstate streams.

''ARTICLE XVI

''IMPACT OF COMPACT ON USE OF WATER WITHIN THE BOUNDARIES OF THE COMPACTING STATES

''The provisions of this Compact shall not interfere with the right or power of any state to regulate the use and control of water within the boundaries of the state, providing such state action is not inconsistent with the allocation formula.

''ARTICLE XVII

''AGREEMENT REGARDING WATER QUALITY

''(a) The States of Alabama, Florida, and Georgia mutually agree to the principle of individual State efforts to control man-made water pollution from sources located and operating within each State and to the continuing support of each State in active water pollution control programs.

''(b) The States of Alabama, Florida, and Georgia agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the ACF River Basin whenever such sources are called to their attention by the Commission.

''(c) The States of Alabama, Florida, and Georgia agree to cooperate in maintaining the quality of the waters of the ACF River Basin.

''(d) The States of Alabama, Florida, and Georgia agree that no State may require another state to provide water for the purpose of water quality control as a substitute for or in lieu of adequate waste treatment.

''ARTICLE XVIII

''EFFECT OF OVER OR UNDER DELIVERIES UNDER THE COMPACT

''No state shall acquire any right or expectation to the use of water because of any other state's failure to use the full amount of water allocated to it under this Compact.

''ARTICLE XIX

''SEVERABILITY

''If any portion of this Compact is held invalid for any reason, the remaining portions, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force, effect, and application.

''ARTICLE XX

''NOTICE AND FORMS OF SIGNATURE

''Notice of ratification of this Compact by the legislature of each state shall promptly be given by the Governor of the ratifying state to the Governors of the other participating states. When all three state legislatures have ratified the Compact, notice of their mutual ratification shall be forwarded to the Congressional delegation of the signatory states for submission to the Congress of the United States for ratification. When the Compact is ratified by the Congress of the United States, the President, upon signing the Federal ratification legislation, shall promptly notify the Governors of the participating states and appoint the Federal Commissioner. The Compact shall be signed by all four Commissioners as their first order of business at their first meeting and shall be filed of record in the party states.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the compact consented to by this Act shall not be affected by any insubstantial difference in its form or language as adopted by the States.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

SEC. 4. RESERVATIONS.

To ensure participation of Federal agencies during the development of the allocation formula and participation in all technical working groups and meetings in which the terms and conditions of the allocation formula are negotiated and to preserve Federal discretion under law, the consent of Congress to, and participation of the United States in, the Apalachicola-Chattahoochee-Flint River Basin Compact, is subject to the following conditions and reservations:

(1) Representatives of any Federal agency may attend any and all meetings of the Commission.

(2) Upon the request of the Federal Commissioner, representatives of any Federal agency may participate in any meetings of technical committees, if any, of the Commission at which the basis or terms and conditions of the allocation formula or modifications to the allocation formula are to be discussed or negotiated.

(3) The Federal Commissioner shall be given notice of any meeting of the Commission or any meeting of technical committees, if any, of the Commission at which compliance with the allocation formula by one or more officers, agencies, or instrumentalities of the United States is to be discussed.

(4) Under the provisions of Article VII(a), the Federal Commissioner may submit a letter of concurrence with the allocation formula unanimously adopted by the State Commissioners within 255 days of such adoption.

(5) No mediator shall be selected under Article XIII(b) or Article XIII(c) without the concurrence of the Federal Commissioner and no resolution of a dispute under Article XIII(c) shall be made binding on the United States without the concurrence of the Federal Commissioner.

(6) The obligations of employees, agencies, and instrumentalities of the United States pursuant to Articles VII(b), X(a), and X(c) to exercise their discretion, to the maximum extent

practicable, in a manner consistent with the allocation formula shall not be construed to interfere with the ability of such employees, agencies, and instrumentalities to take actions during emergency situations.

(7) As among water right holders within any one State, nothing in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory States relating to riparian rights of the United States in and to the waters of the Apalachicola-Chattahoochee-Flint River Basin.

SEC. 5. EFFECTUATION.

(a) FEDERAL AGENCY AUTHORITY.—To carry out the purposes of this Compact, Federal agencies are authorized, as they may deem appropriate—

(1) to engage in cooperative relationships with the Commission;

(2) to conduct studies and monitoring programs in cooperation with the Commission;

(3) to enter into agreements to indemnify private landowners against liability that may arise from studies and monitoring programs undertaken in cooperation with the Commission; and

(4) to furnish assistance, including the provision of services, facilities, and personnel, to the Federal Commissioner.

(b) APPROPRIATIONS.—Appropriations are authorized as necessary for implementing the Compact, including appropriations for carrying out the functions of the Federal Commissioner and alternates and for employment of personnel by the Federal Commissioner?

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume. I urge adoption of this legislation.

As Members know, the Constitution of the United States requires that when two or more States are in conflict over certain measures that affect those States and that they would be susceptible to an agreement among those States or between those States, that they cannot be finalized without the approval of the Congress of the United States.

Hence, the States of Alabama, Georgia, and Florida, not able to agree on water allocation stemming from the Apalachicola, Chattahoochee, and Flint Rivers in their jurisdictions, turned to the courts and other negotiating features to try to arrange their differences. They were unable to do so until very recently when their three respective legislatures finally agreed and approved of a measure suitable to all three States.

Because the Constitution requires our intervention, a hearing was held before our committee on the matter, and this bill provides the approval of the Congress for the various features of the agreement reached among Alabama, Georgia, and Florida.

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

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

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

Mr. NADLER. Mr. Speaker, I rise in support of this measure which passed the Committee on the Judiciary unanimously with the support of all Members on both sides of the aisle. The chairman of the subcommittee, the gentleman from Pennsylvania, has done a fine job of explaining the bill, and I will not attempt to cover the same ground a second time.

It has the support of the States involved in the compact of their congressional delegations and of the administration. It protects the discretion of Federal agencies to enforce the laws they are charged with enforcing. It is our responsibility under Article I of the Constitution to grant the consent of Congress to interstate compacts. I urge my colleagues to do so in this case.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from New York [Mr. NADLER], for yielding me this time. I thank the chairman for all of his help and all of his support, the gentleman from Pennsylvania.

I am here to lend my strong support for these three tri-State water compacts. It was not easy, but the States of Georgia, Florida, and Alabama had come together with the Federal Government behind a proposal that we all can agree on. This legislation will protect the environment, the water supplies, and the interests of everyone involved.

A lot of dedicated people spent a lot of time working on this legislation. I want to thank my colleagues, the gentleman from Georgia [Mr. BARR] and the gentleman from Georgia [Mr. GINGRICH], for their work on this project. I also want to thank Rob Hood with the Speaker's office and Bob Herriott with the office of the gentleman from Georgia [Mr. BARR], Spinner Findley with the Department of Justice, Philip Mancusi-Ungaro with the EPA, Joe Tanner with the State of Georgia, and State Representative Bob Kerr, who deserve recognition for their contribution. In addition, I thank Sally Bethea with the Upper Chattahoochee River people for her work to ensure that these compacts adequately protect the environment.

Mr. Speaker, lastly, I thank Harold Reheis, head of the Georgia Environmental Protection Division. More than any other individual, Harry Reheis deserves recognition for bringing us to where we are today. Through his leadership and dedication, we have managed to resolve all of the differences and overcome all of the problems confronting this project. So I thank Mr. Reheis for all his work on this project.

Again, I express my strong support for these compacts and ask my colleagues for their support.

Mr. EVERETT. Mr. Speaker, I rise in support of H.J. Res. 91, a resolution providing congressional approval of the interstate compact between Alabama, Georgia, and Florida. This compact represents many months of hard work and negotiations between these States on how best to allocate limited water resources. This compact follows a 1992 agreement which expires at the end of this year; therefore, time is of essence. I support this water management plan and believe this compact is crucial to proper water flow and allocation in this region. My State of Alabama depends heavily on adequate water flow from these rivers to support the need of navigation, industry, agriculture and households. Please join me in supporting H.J. Res. 91.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 91, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 92) granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact, as amended.

The Clerk read as follows:

H.J. RES. 92

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Alabama-Coosa-Tallapoosa River Basin Compact entered into by the States of Alabama and Georgia. The compact is substantially as follows:

"Alabama-Coosa-Tallapoosa River Basin Compact

''The States of Alabama and Georgia and the United States of America hereby agree to the following compact which shall become effective upon enactment of concurrent legislation by each respective state legislature and the Congress of the United States

''SHORT TITLE

''This Act shall be known and may be cited as the 'Alabama-Coosa-Tallapoosa River Basin

Compact' and shall be referred to hereafter in this document as the 'ACT Compact' or 'Compact'.

''ARTICLE I

''COMPACT PURPOSES

''This Compact among the States of Alabama and Georgia and the United States of America has been entered into for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the ACT, engaging in water planning, and developing and sharing common data bases.

''ARTICLE II

''SCOPE OF THE COMPACT

''This Compact shall extend to all of the waters arising within the drainage basin of the ACT in the states of Alabama and Georgia.

''ARTICLE III

''PARTIES

''The parties to this Compact are the states of Alabama and Georgia and the United States of America.

''ARTICLE IV

''DEFINITIONS

''For the purposes of this Compact, the following words, phrases and terms shall have the following meanings:

''(a) 'ACT Basin' or 'ACT' means the area of natural drainage into the Alabama River and its tributaries, the Coosa River and its tributaries, and the Tallapoosa River and its tributaries. Any reference to the rivers within this Compact will be designated using the letters 'ACT' and when so referenced will mean each of these three rivers and each of the tributaries to each such river.

''(b) 'Allocation formula' means the methodology, in whatever form, by which the ACT Basin Commission determines an equitable apportionment of surface waters within the ACT Basin among the two states. Such formula may be represented by a table, chart, mathematical calculation or any other expression of the Commission's apportionment of waters pursuant to this compact.

''(c) 'Commission' or 'ACT Basin Commission' means the Alabama-Coosa-Tallapoosa River Basin Commission created and established pursuant to this Compact.

''(d) 'Ground waters' means waters within a saturated zone or stratum beneath the surface of land, whether or not flowing through known and definite channels.

''(e) 'Person' means any individual, firm, association, organization, partnership, business, trust, corporation, public corporation, company, the United States of America, any state, and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

''(f) 'Surface waters' means waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be considered 'surface waters' when it exits from the spring onto the surface of the earth.

''(g) 'United States' means the executive branch of the Government of the United States of America, and any department, agency, bureau or division thereof.

''(h) 'Water Resource Facility' means any facility or project constructed for the impoundment, diversion, retention, control or regulation of waters within the ACT Basin for any purpose.

''(i) 'Water resources,' or 'waters' means all surface waters and ground waters contained or otherwise originating within the ACT Basin.

''ARTICLE V

''CONDITIONS PRECEDENT TO LEGAL VIABILITY OF THE COMPACT

''This Compact shall not be binding on any party until it has been enacted into law by the legislatures of the States of Alabama and Georgia and by the Congress of the United States of America.

''ARTICLE VI

''ACT BASIN COMMISSION CREATED

''(a) There is hereby created an interstate administrative agency to be known as the 'ACT Basin Commission.' The Commission shall be comprised of one member representing the State of Alabama, one member representing the State of Georgia, and one non-voting member representing the United States of America. The State members shall be known as 'State Commissioners' and the Federal member shall be known as 'Federal Commissioner.' The ACT Basin Commission is a body politic and corporate, with succession for the duration of this Compact.

''(b) The Governor of each of the States shall serve as the State Commissioner for his or her State. Each State Commissioner shall appoint one or more alternate members and one of such alternates as designated by the State Commissioner shall serve in the State Commissioner's place and carry out the functions of the State Commissioner, including voting on Commission matters, in the event the State Commissioner is unable to attend a meeting of the Commission. The alternate members from each State shall be knowledgeable in the field of water resources management. Unless otherwise provided by law of the State for which an alternate State Commissioner is appointed, each alternate State Commissioner shall serve at the pleasure of the State Commissioner. In the event of a vacancy in the office of an alternate, it shall be filled in the same manner as an original appointment.

''(c) The President of the United States of America shall appoint the Federal Commissioner who shall serve as the representative of all Federal agencies with an interest in the ACT. The President shall also appoint an alternate Federal Commissioner to attend and participate in the meetings of the Commission in the event the Federal Commissioner is unable to attend meetings. When at meetings, the alternate Federal Commissioner shall possess all of the powers of the Federal Commissioner. The Federal Commissioner and alternate appointed by the President shall serve until they resign or their replacements are appointed.

''(d) Each state shall have one vote on the ACT Basin Commission and the Commission shall make all decisions and exercise all powers by unanimous vote of the two State Commissioners. The Federal Commissioner shall not have a vote but shall attend and participate in all meetings of the ACT Basin Commission to the same extent as the State Commissioners.

''(e) The ACT Basin Commission shall meet at least once a year at a date set at its initial meeting. Such initial meeting shall take place within ninety days of the ratification of the Compact by the Congress of the United States and shall be called by the chairman of the Commission. Special meetings of the Commission may be called at the discretion of the chairman of the Commission and shall be called by the chairman of the Commission upon written request of any member of the Commission. All members shall be notified of the time and place designated for any regular or special meeting at least five days prior to such meeting in one of the following ways: by written notice mailed to the last mailing address given to the Commission by each member, by facsimile, telegram or by telephone. The Chairmanship of the Commission shall rotate annually among the voting members of the Commission on an alphabetical basis, with the first chairman to be the State Commissioner representing the State of Alabama.

''(f) All meetings of the Commission shall be open to the public.

''(g) The ACT Basin Commission, so long as the exercise of power is consistent with this Compact, shall have the following general powers:

''(1) to adopt bylaws and procedures governing its conduct;

''(2) to sue and be sued in any court of competent jurisdiction;

''(3) to retain and discharge professional, technical, clerical and other staff and such consultants as are necessary to accomplish the purposes of this Compact;

''(4) to receive funds from any lawful source and expend funds for any lawful purpose;

''(5) to enter into agreements or contracts, where appropriate, in order to accomplish the purposes of this Compact;

''(6) to create committees and delegate responsibilities;

''(7) to plan, coordinate, monitor, and make recommendations for the water resources of the ACT Basin for the purposes of, but not limited to, minimizing adverse impacts of floods and droughts and improving water quality, water supply, and conservation as may be deemed necessary by the Commission;

''(8) to participate with other governmental and non-governmental entities in carrying out the purposes of this Compact;

''(9) to conduct studies, to generate information regarding the water resources of the ACT Basin, and to share this information among the Commission members and with others;

''(10) to cooperate with appropriate state, federal, and local agencies or any other person in the development, ownership, sponsorship, and operation of water resource facilities in the ACT Basin; provided, however, that the Commission shall not own or operate a federally-owned water resource facility unless authorized by the United States Congress;

''(11) to acquire, receive, hold and convey such personal and real property as may be necessary for the performance of its duties under the Compact; provided, however, that nothing in this Compact shall be construed as granting the ACT Basin Commission authority to issue bonds or to exercise any right of eminent domain or power of condemnation;

''(12) to establish and modify an allocation formula for apportioning the surface waters of the ACT Basin among the states of Alabama and Georgia; and

''(13) to perform all functions required of it by this Compact and to do all things necessary, proper or convenient in the performance of its duties hereunder, either independently or in cooperation with any state or the United States.

''ARTICLE VII

''EQUITABLE APPORTIONMENT

''(a) It is the intent of the parties to this Compact to develop an allocation formula for equitably apportioning the surface waters of the ACT Basin among the states while protecting the water quality, ecology and biodiversity of the ACT, as provided in the Clean Water Act, 33 U.S.C. Sections 1251 et seq., the Endangered Species Act, 16 U.S.C. Sections 1532 et seq., the National Environmental Policy Act, 42 U.S.C. Sections 4321 et seq., the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401 et seq., and other applicable federal laws. For this purpose, all members of the ACT Basin Commission, including the Federal Commissioner, shall have full rights to notice of and participation in all meetings of the ACT Basin Commission and technical committees in which the basis and terms and conditions of the allocation formula are to be discussed or negotiated. When an allocation formula is unanimously approved by the State Commissioners, there shall be an agreement among the states regarding an allocation formula. The allocation formula thus agreed upon shall become effective and binding upon the parties to this Compact upon receipt by the Commission of a letter of concurrence with said formula from the Federal Commissioner. If, however, the Federal Commissioner fails to submit a letter of concurrence to the Commission within two hundred ten (210) days after the allocation formula is agreed upon by the State Commissioners, the Federal Commissioner shall within forty-five (45) days thereafter submit to

the ACT Basin Commission a letter of nonconcurrence with the allocation formula setting forth therein specifically and in detail the reasons for nonconcurrence; provided, however, the reasons for nonconcurrence as contained in the letter of nonconcurrence shall be based solely upon federal law. The allocation formula shall also become effective and binding upon the parties to this Compact if the Federal Commissioner fails to submit to the ACT Basin Commission a letter of nonconcurrence in accordance with this Article. Once adopted pursuant to this Article, the allocation formula may only be modified by unanimous decision of the State Commissioners and the concurrence by the Federal Commissioner in accordance with the procedures set forth in this Article.

''(b) The parties to this Compact recognize that the United States operates certain projects within the ACT Basin that may influence the water resources within the ACT Basin. The parties to this Compact further acknowledge and recognize that various agencies of the United States have responsibilities for administering certain federal laws and exercising certain federal powers that may influence the water resources within the ACT Basin. It is the intent of the parties to this Compact, including the United States, to achieve compliance with the allocation formula adopted in accordance with this Article. Accordingly, once an allocation formula is adopted, each and every officer, agency, and instrumentality of the United States shall have an obligation and duty, to the maximum extent practicable, to exercise their powers, authority, and discretion in a manner consistent with the allocation formula so long as the exercise of such powers, authority, and discretion is not in conflict with federal law.

''(c) Between the effective date of this Compact and the approval of the allocation formula under this Article, the signatories to this Compact agree that any person who is withdrawing, diverting, or consuming water resources of the ACT Basin as of the effective date of this Compact, may continue to withdraw, divert or consume such water resources in accordance with the laws of the state where such person resides or does business and in accordance with applicable federal laws. The parties to this Compact further agree that any such person may increase the amount of water resources withdrawn, diverted or consumed to satisfy reasonable increases in the demand of such person for water between the effective date of this Compact and the date on which an allocation formula is approved by the ACT Basin Commission as permitted by applicable law. Each of the state parties to this Compact further agree to provide written notice to each of the other parties to this Compact in the event any person increases the withdrawal, diversion or consumption of such water resources by more than 10 million gallons per day on an average annual daily basis, or in the event any person, who was not withdrawing, diverting or consuming any water resources from the ACT Basin as of the effective date of this Compact, seeks to withdraw, divert or consume more than one million gallons per day on an average annual daily basis from such resources. This Article shall not be construed as granting any permanent, vested or perpetual rights to the amounts of water used between January 3, 1992 and the date on which the Commission adopts an allocation formula.

''(d) As the owner, operator, licensor, permitting authority or regulator of a water resource facility under its jurisdiction, each state shall be responsible for using its best efforts to achieve compliance with the allocation formula adopted pursuant to this Article. Each such state agrees to take such actions as may be necessary to achieve compliance with the allocation formula.

''(e) This Compact shall not commit any state to agree to any data generated by any study or commit any state to any allocation formula not acceptable to such state.

''ARTICLE VIII

''CONDITIONS RESULTING IN TERMINATION OF THE COMPACT

''(a) This Compact shall be terminated and thereby be void and of no further force and effect if any of the following events occur:

''(1) The legislatures of the states of Alabama and Georgia each agree by general laws enacted by each state within any three consecutive years that this Compact should be terminated.

''(2) The United States Congress enacts a law expressly repealing this Compact.

''(3) The States of Alabama and Georgia fail to agree on an equitable apportionment of the surface waters of the ACT as provided in Article VII(a) of this Compact by December 31, 1998, unless the voting members of the ACT Basin Commission unanimously agree to extend this deadline.

''(4) The Federal Commissioner submits to the Commission a letter of nonconcurrence in the initial allocation formula in accordance with Article VII(a) of the Compact, unless the voting members of the ACT Basin Commission unanimously agree to allow a single 45 day period in which the non-voting Federal Commissioner and the voting State Commissioners may renegotiate an allocation formula and the Federal Commissioner withdraws the letter of nonconcurrence upon completion of this renegotiation.

''(b) If the Compact is terminated in accordance with this Article it shall be of no further force and effect and shall not be the subject of any proceeding for the enforcement thereof in any federal or state court. Further, if so terminated, no party shall be deemed to have acquired a specific right to any quantity of water because it has become a signatory to this Compact.

''ARTICLE IX

''COMPLETION OF STUDIES PENDING ADOPTION OF ALLOCATION FORMULA

''The ACT Basin Commission, in conjunction with one or more interstate, federal, state or local agencies, is hereby authorized to participate in any study in process as of the effective date of this Compact, including, without limitation, all or any part of the Alabama-Coosa-Tallapoosa/ Apalachicola-Chattahoochee-Flint River Basin Comprehensive Water Resource Study, as may be determined by the Commission in its sole discretion.

''ARTICLE X

''RELATIONSHIP TO OTHER LAWS

''(a) It is the intent of the party states and of the United States Congress by ratifying this Compact, that all state and federal officials enforcing, implementing or administering other state and federal laws affecting the ACT Basin shall, to the maximum extent practicable, enforce, implement or administer those laws in furtherance of the purposes of this Compact and the allocation formula adopted by the Commission insofar as such actions are not in conflict with applicable federal laws.

''(b) Nothing contained in this Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

''(c) Nothing contained in this Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions or jurisdiction under other existing or future laws in and over the area or waters which are the subject of the Compact, including projects of the Commission, nor shall any act of the Commission have the effect of repealing, modifying or amending any federal law. All officers, agencies and instrumentalities of the United States shall exercise their powers and authority over water resources in the ACT Basin and water resource facilities, and to the maximum extent practicable, shall exercise their discretion in carrying out their responsibilities, powers, and authorities over water resources in the ACT Basin and water resource facilities in the ACT Basin in a manner consistent with and that effectuates the allocation formula developed pursuant to this Compact or any modification of the allocation formula so long as the actions are not in conflict with any applicable federal law. The United States Army Corps of Engineers, or its successors, and all other federal agencies and instrumentalities shall cooperate with the ACT Basin Commission in accomplishing the purposes of the Compact and fulfilling the obligations of each of the parties to the Compact regarding the allocation formula.

''(d) Once adopted by the two states and ratified by the United States Congress, this Compact shall have the full force and effect of federal law, and shall supersede state and local laws operating contrary to the provisions herein or the purposes of this Compact; provided, however, nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory states relating to water quality, and riparian rights as among persons exclusively within each state.

''ARTICLE XI

''PUBLIC PARTICIPATION

''All meetings of the Commission shall be open to the public. The signatory parties recognize the importance and necessity of public participation in activities of the Commission, including the development and adoption of the initial allocation formula and any modification thereto. Prior to the adoption of the initial allocation formula, the Commission shall adopt procedures ensuring public participation in the development, review, and approval of the initial allocation formula and any subsequent modification thereto. At a minimum, public notice to interested parties and a comment period shall be provided. The Commission shall respond in writing to relevant comments.

''ARTICLE XII

''FUNDING AND EXPENSES OF THE COMMISSION

''Commissioners shall serve without compensation from the ACT Basin Commission. All general operational funding required by the Commission and agreed to by the voting members shall obligate each state to pay an equal share of such agreed upon funding. Funds remitted to the Commission by a state in payment of such obligation shall not lapse; provided, however, that if any state fails to remit payment within 90 days after payment is due, such obligation shall terminate and any state which has made payment may have such payment returned. Costs of attendance and participation at meetings of the Commission by the Federal Commissioner shall be paid by the United States.

''ARTICLE XIII

''DISPUTE RESOLUTION

''(a) In the event of a dispute between the voting members of this Compact involving a claim relating to compliance with the allocation formula adopted by the Commission under this Compact, the following procedures shall govern:

''(1) Notice of claim shall be filed with the Commission by a voting member of this Compact and served upon each member of the Commission. The notice shall provide a written statement of the claim, including a brief narrative of the relevant matters supporting the claimant's position.

''(2) Within twenty (20) days of the Commission's receipt of a written statement of a claim, the party or parties to the Compact against whom the complaint is made may prepare a brief narrative of the relevant matters and file it with the Commission and serve it upon each member of the Commission.

''(3) Upon receipt of a claim and any response or responses thereto, the Commission shall convene as soon as reasonably practicable, but in no event later than twenty (20) days from receipt of any response to the claim, and shall determine if a resolution of the dispute is possible.

''(4) A resolution of a dispute under this Article through unanimous vote of the State Commissioners shall be binding upon the state parties and any state party determined to be in violation of the allocation formula shall correct such violation without delay.

''(5) If the Commission is unable to resolve the dispute within 10 days from the date of the meeting convened pursuant to subparagraph (a)(3) of this Article, the Commission shall select, by unanimous decision of the voting members of the Commission, an independent mediator to conduct a non-binding mediation of the dispute. The mediator shall not be a resident or domiciliary of any member state, shall not be an employee or agent of any member of the Commission, shall be a person knowledgeable in water resource management issues, and shall disclose any and all current or prior contractual or other relations to any member of the Commission. The expenses of the mediator shall be paid by the Commission. If the mediator becomes unwilling or unable to serve, the Commission by unanimous decision of the voting members of the Commission, shall appoint another independent mediator.

''(6) If the Commission fails to appoint an independent mediator to conduct a non-binding mediation of the dispute within seventy-five (75) days of the filing of the original claim or within thirty (30) days of the date on which the Commission learns that a mediator is unwilling or unable to serve, the party submitting the claim shall have no further obligation to bring the claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

''(7) If an independent mediator is selected, the mediator shall establish the time and location for the mediation session or sessions and may request that each party to the Compact submit, in writing, to the mediator a statement of its position regarding the issue or issues in dispute. Such statements shall not be exchanged by the parties except upon the unanimous agreement of the parties to the mediation.

''(8) The mediator shall not divulge confidential information disclosed to the mediator by the parties or by witnesses, if any, in the course of the mediation. All records, reports, or other documents received by a mediator while serving as a mediator shall be considered confidential. The mediator shall not be compelled in any adversary proceeding or judicial forum to divulge the contents of such documents or the fact that such documents exist or to testify in regard to the mediation.

''(9) Each party to the mediation shall maintain the confidentiality of the information received during the mediation and shall not rely on or introduce in any judicial proceeding as evidence:

''a. Views expressed or suggestions made by another party regarding a settlement of the dispute;

''b. Proposals made or views expressed by the mediator; or

''c. The fact that another party to the hearing had or had not indicated a willingness to accept a proposal for settlement of the dispute.

''(10) The mediator may terminate the non-binding mediation session or sessions whenever, in the judgment of the mediator, further efforts to resolve the dispute would not lead to a resolution of the dispute between or among the parties. Any party to the dispute may terminate the mediation process at any time by giving written notification to the mediator and the Commission. If terminated prior to reaching a resolution, the party submitting the original claim to the Commission shall have no further obligation to bring its claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

''(11) The mediator shall have no authority to require the parties to enter into a settlement of any dispute regarding the Compact. The mediator may simply attempt to assist the parties in reaching a mutually acceptable resolution of their dispute. The mediator is authorized to conduct joint and separate meetings with the parties to the mediation and to make oral or written recommendations for a settlement of the dispute.

''(12) At any time during the mediation process, the Commission is encouraged to take whatever steps it deems necessary to assist the mediator or the parties to resolve the dispute.

''(13) In the event of a proceeding seeking enforcement of the allocation formula, this Compact creates a cause of action solely for equitable relief. No action for money damages may be maintained. The party or parties alleging a violation of the Compact shall have the burden of proof.

''(b) In the event of a dispute between any voting member and the United States relating to a state's noncompliance with the allocation formula as a result of actions or a refusal to act by officers, agencies or instrumentalities of the United States, the provisions set forth in paragraph (a) of this Article (other than the provisions of subparagraph (a)(4)) shall apply.

''(c) The United States may initiate dispute resolution under paragraph (a) in the same manner as other parties to this Compact.

''(d) Any signatory party who is affected by any action of the Commission, other than the adoption or enforcement of or compliance with the allocation formula, may file a complaint before the ACT Basin Commission seeking to enforce any provision of this Compact.

''(1) The Commission shall refer the dispute to an independent hearing officer or mediator, to conduct a hearing or mediation of the dispute. If the parties are unable to settle their dispute through mediation, a hearing shall be held by the Commission or its designated hearing officer. Following a hearing conducted by a hearing officer, the hearing officer shall submit a report to the Commission setting forth findings of fact and conclusions of law, and making recommendations to the Commission for the resolution of the dispute.

''(2) The Commission may adopt or modify the recommendations of the hearing officer within 60 days of submittal of the report. If the Commission is unable to reach unanimous agreement on the resolution of the dispute within 60 days of submittal of the report with the concurrence of the Federal Commissioner in disputes involving or affecting federal interests, the affected party may file an action in any court of competent jurisdiction to enforce the provisions of this Compact. The hearing officer's report shall be of no force and effect and shall not be admissible as evidence in any further proceedings.

''(e) All actions under this Article shall be subject to the following provisions:

''(1) The Commission shall adopt guidelines and procedures for the appointment of hearing officers or independent mediators to conduct all hearings and mediations required under this Article. The hearing officer or mediator appointed under this Article shall be compensated by the Commission.

''(2) All hearings or mediations conducted under this article may be conducted utilizing the Federal Administrative Procedures Act, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. The Commission may also choose to adopt some or all of its own procedural and evidentiary rules for the conduct of hearings or mediations under this Compact.

''(3) Any action brought under this Article shall be limited to equitable relief only. This Compact shall not give rise to a cause of action for money damages.

''(4) Any signatory party bringing an action before the Commission under this Article shall have the burdens of proof and persuasion.

''ARTICLE XIV

''ENFORCEMENT

''The Commission may, upon unanimous decision, bring an action against any person to enforce any provision of this Compact, other than the adoption or enforcement of or compliance with the allocation formula, in any court of competent jurisdiction.

''ARTICLE XV

''IMPACTS ON OTHER STREAM SYSTEMS

''This Compact shall not be construed as establishing any general principle or precedent applicable to any other interstate streams.

''ARTICLE XVI

''IMPACT OF COMPACT ON USE OF WATER WITHIN THE BOUNDARIES OF THE COMPACTING STATES

''The provisions of this Compact shall not interfere with the right or power of any state to regulate the use and control of water within the boundaries of the state, providing such state action is not inconsistent with the allocation formula.

''ARTICLE XVII

''AGREEMENT REGARDING WATER QUALITY

''(a) The States of Alabama and Georgia mutually agree to the principle of individual State efforts to control man-made water pollution from sources located and operating within each State and to the continuing support of each State in active water pollution control programs.

''(b) The States of Alabama and Georgia agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the ACT River Basin whenever such sources are called to their attention by the Commission.

''(c) The States of Alabama and Georgia agree to cooperate in maintaining the quality of the waters of the ACT River Basin.

''(d) The States of Alabama and Georgia agree that no State may require another state to provide water for the purpose of water quality control as a substitute for or in lieu of adequate waste treatment.

''ARTICLE XVIII

''EFFECT OF OVER OR UNDER DELIVERIES UNDER THE COMPACT

''No state shall acquire any right or expectation to the use of water because of any other state's failure to use the full amount of water allocated to it under this Compact.

''ARTICLE XIX

''SEVERABILITY

''If any portion of this Compact is held invalid for any reason, the remaining portions, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force, effect, and application.

''ARTICLE XX

''NOTICE AND FORMS OF SIGNATURE

''Notice of ratification of this Compact by the legislature of each state shall promptly be given by the Governor of the ratifying state to the Governor of the other participating state. When the two state legislatures have ratified the Compact, notice of their mutual ratification shall be forwarded to the Congressional delegation of the signatory states for submission to the Congress of the United States for ratification. When the Compact is ratified by the Congress of the United States, the President, upon signing the federal ratification legislation, shall promptly notify the Governors of the participating states and appoint the Federal Commissioner. The Compact shall be signed by all three Commissioners as their first order of business at their first meeting and shall be filed of record in the party states.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the compact consented to by this Act shall not be affected by any insubstantial difference in its form or language as adopted by the States.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

SEC. 4. RESERVATIONS.

To ensure participation of Federal agencies during the development of the allocation formula and participation in all technical working groups and meetings in which the terms and conditions of the allocation formula are negotiated and to preserve Federal discretion under law, the consent of Congress to, and participation of the United States in, the Alabama-Coosa-Tallapoosa River Basin Compact, is subject to the following conditions and reservations:

(1) Representatives of any Federal agency may attend any and all meetings of the Commission.

(2) Upon the request of the Federal Commissioner, representatives of any Federal agency may participate in any meetings of technical committees, if any, of the Commission at which the basis or terms and conditions of the allocation formula or modifications to the allocation formula are to be discussed or negotiated.

(3) The Federal Commissioner shall be given notice of any meeting of the Commission or any meeting of technical committees, if any, of the Commission at which compliance with the allocation formula by one or more officers, agencies, or instrumentalities of the United States is to be discussed.

(4) Under the provisions of Article VII(a), the Federal Commissioner may submit a letter of concurrence with the allocation formula unanimously adopted by the State Commissioners within 255 days of such adoption.

(5) No mediator shall be selected under Article XIII(b) or Article XIII(c) without the concurrence of the Federal Commissioner and no resolution of a dispute under Article XIII(c) shall be made binding on the United States without the concurrence of the Federal Commissioner.

(6) The obligations of employees, agencies, and instrumentalities of the United States pursuant to Articles VII(b), X(a), and X(c) to exercise their discretion, to the maximum extent practicable, in a manner consistent with the allocation formula shall not be construed to interfere with the ability of such employees, agencies, and instrumentalities to take actions during emergency situations.

(7) As among water right holders within any one State, nothing in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory States relating to riparian rights of the United States in and to the waters of the Alabama-Coosa-Tallapoosa River Basin.

SEC. 5. EFFECTUATION.

(a) FEDERAL AGENCY AUTHORITY.—To carry out the purposes of this Compact, Federal agencies are authorized, as they may deem appropriate—

(1) to engage in cooperative relationships with the Commission;

(2) to conduct studies and monitoring programs in cooperation with the Commission;

(3) to enter into agreements to indemnify private landowners against liability that may arise from studies and monitoring programs undertaken in cooperation with the Commission; and

(4) to furnish assistance, including the provision of services, facilities, and personnel, to the Federal Commissioner.

(b) APPROPRIATIONS.—Appropriations are authorized as necessary for implementing the Compact, including appropriations for carrying out the functions of the Federal Commissioner and alternates and for employment of personnel by the Federal Commissioner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER], each will control 20 minutes.

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

□ 1415

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, just as we outlined in the previous matter, the Constitution provides that two or more States entering into agreements cannot finalize those agreements without the consent of the Congress. A similar situation has arisen in the States of Alabama and Georgia with respect to certain rights that they each claim and benefits that each would derive from an agreement. And, therefore, the two States finally entered into an agreement concerning the Alabama Coosa-Tallapoosa River Basin Commission. They developed a formula with which they can all live comfortably, and they come to the Congress for approval of the compact. Hence, our posture here today.

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

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

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

Mr. NADLER. Mr. Speaker, like the last measure that we just debated a few moments ago, this measure, which passed the Committee on the Judiciary unanimously, has the support of all the Members on both sides of the aisle on that committee. Again, the chairman has done a fine job of explaining it, and I am not going to repeat it.

Again, this bill has support of both States involved in the compact, of their entire congressional delegations of both parties, and of the administration. It protects the discretion of the Federal agencies to enforce the Federal laws that they have to enforce. And, therefore, there is no reason we should not grant our approval under article 1 to the two States' interstate compact.

I support this legislation. I urge my colleagues to do so.

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

Mr. GEKAS. Mr. Speaker, I have no speakers on our side of the aisle, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, as chairman of the Transportation and Infrastructure Committee, I rise to address provisions in House Joint Resolution 91, a joint resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River basin compact and House Joint Resolution 92, a joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River basin compact.

I commend the Speaker, members of the Judiciary Committee, and Representatives of the States of Alabama, Florida, and Georgia and the Federal agencies involved. These two resolutions, and the underlying compacts, have a long history of conflict and cooperation. I understand the final text before us is the result of much compromise.

Because of its jurisdiction over the U.S. Army Corps of Engineers' water resources program, as well as the Clean Water Act, the Transportation and Infrastructure Committee has a significant interest in the joint resolutions, the interstate compacts and the development and implementation of the allocation formulas. In fact, in 1988 the committee's Subcommittee on Water Resources held hearings in Georgia and Florida on the water allocation issues these compacts are attempting to solve.

Perhaps at the heart of this debate among three States and two river basins is the management of Federal reservoirs. For example, proposed reallocation of storage water from corps' reservoirs in Georgia prompted litigation in 1990 which also lead in part to a memorandum of agreement among the States in 1992.

Today, and certainly into the future, the Corps of Engineers will be a critical player in determining the success of the compacts and their resulting water allocation formulas. It is my understanding the Judiciary Committee amended the introduced joint resolutions specifically to address outstanding concerns of the Corps of Engineers and the Department of Justice. One of the amendments is intended to preserve Federal discretion to comply with and enforce other congressional directives and authorities—such as project authorities contained in water resources development acts.

I recognize there is a delicate balance between Federal and State rights and responsibilities regarding water allocations in the two basin compacts. I expect our committee will be in a position to oversee and investigate the implementation of House Joint Resolution 91 and House Joint Resolution 92, particularly the efforts of Federal agencies to respect that delicate balance as we turn our attention to a water resources development act of 1998 and to future hearings and bills involving the Corps of Engineers.

Mr. Speaker, I commend you for your leadership on these joint resolutions and look forward to working with you and others on their implementation.

Mr. CALLAHAN. Mr. Speaker, I rise today to speak briefly in support of House Joint Resolution 92, a joint resolution endorsing the Alabama-Coosa-Tallapoosa [ACT] River Basin Compact and House Joint Resolution 91, a bill to implement the Apalachicola-Chattahoochee-Flint [ACF] River Basin Compact. The rivers of the ACT and ACF basins originate in northern Georgia and terminate in Mobile Bay in my congressional district in southern Alabama and Florida respectively. In recent years, the areas along these waterways have continued to grow, adding demands on the water systems from increased drinking water needs, flood control projects, hydropower and navigational demands, fish and wildlife conservation, and recreation.

In an effort to ensure a fair system for allocating the supply of water in both Georgia, Florida, and Alabama, the three States have entered into agreements between themselves and the Federal Government to provide a framework for the future determination of allocation formulas which meet the various demands placed on these systems. These joint

resolutions are necessary to give congressional consent to the States' compacts.

I would like to take a moment to commend the offices of Gov. Fob James of Alabama, Gov. Zell Miller of Georgia, and Gov. Lawton Chiles of Florida for their dedication to resolving outstanding issues between the States and the appropriate Federal agencies. I would also like to thank Alabama's chief negotiator during these deliberations, Walter Stevenson of the Alabama Department of Economic and Community Affairs.

I would like to remind my colleagues, as the sponsor of House Joint Resolution 92 and a cosponsor of House Joint Resolution 91, these bills have strong support from the States and near unanimous support from the congressional delegations of Georgia, Florida, and Alabama. House Joint Resolution 91 and House Joint Resolution 92 represent a tremendous step forward in establishing a process to fairly allocate the waters of the ACT and ACF basins between the States of Georgia and Alabama. This legislation, and the cooperative Federal-State negotiations upon which they are based, should be seen as a model for all similar conflict resolutions.

I thank the Speaker for yielding me this time and encourage all my colleagues to support this legislation.

Mr. BARR. Mr. Speaker, I want to begin by thanking Mr. HYDE and Mr. GEKAS of the Judiciary Committee and their staff for diligently working with me to bring this legislation to the floor. I would also like to commend the Governors and legislators of the three States involved—Georgia, Alabama, and Florida—as well as the Clinton administration, for tirelessly working to find the appropriate middle ground that has allowed us to move forward with this Federal enacting legislation.

I would like to make a brief statement about the importance of these two pieces of legislation, House Joint Resolutions 91 and 92. Although the language in House Joint Resolution 91 and House Joint Resolution 92 does not set forth the actual water allocations, these bills are vital to the water flow in this tristate region. House Joint Resolutions 91 and 92 will simply lay out the process by which the States, with the approval of the administration, will negotiate the final water allocation formulas.

Without the timely passage of these bills, many months of hard negotiations between the States and administration, and the legislative efforts of three States and their Governors would have been lost. It is important to point out that without Federal action by the end of the current year the legislation before us would have been void, and with so few legislative days remaining in this session I am glad to see this legislation pass the House.

Again, all the parties involved are in agreement with the legislation and ready to move forward. It is my hope that Congress will now lend its approval to these proposals and pass House Joint Resolutions 91 and 92.

Mr. EVERETT. Mr. Speaker, I rise in support of House Joint Resolution 92, a resolution to provide congressional approval of the interstate compact between Alabama and Georgia. Both of these States have worked hard in arriving at a water resource sharing solution that benefits each State. This resolution simply endorses this agreement.

The combined partnership will enhance water quality, deliver water allocations in a responsible manner, and promote interstate commerce. It has always been my belief that locally derived solutions and cooperation regarding the allocation of valuable resources, such as the Alabama-Coosa-Tallapoosa River, makes far better sense than a solution derived in Washington. I support House Joint Resolution 92 and encourage my colleagues to do the same.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 92, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

COMMERCIAL SPACE ACT OF 1997

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1702) to encourage the development of a commercial space industry in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1702

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Commercial Space Act of 1997''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES
Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Launch voucher demonstration program.
Sec. 104. Promotion of United States Global Positioning System standards.
Sec. 105. Acquisition of space science data.
Sec. 106. Administration of Commercial Space Centers.
TITLE II—REMOTE SENSING
Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth science data.
TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES
Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of commercial space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Shuttle privatization.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''commercial provider'' means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term ''payload'' means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term ''space-related activities'' includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term ''space transportation services'' means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term ''space transportation vehicle'' means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term ''State'' means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term ''United States commercial provider'' means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORTS.—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

(B) the potential cost savings to be derived from commercial providers playing a role in each of these activities;

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1998 and 1999;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

(E) the revenues and cost reimbursements to the Federal Government from commercial users of the Space Station.

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 1999, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1997 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

(4) Each of the studies and reports required by paragraphs (1), (2), and (3) shall include consideration of the potential role of State governments as brokers in promoting commercial participation in the International Space Station program.

SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

''70104. Restrictions on launches, operations, and reentries.'';

(B) by amending the item relating to section 70108 to read as follows:

''70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.'';

(C) by amending the item relating to section 70109 to read as follows:

''70109. Preemption of scheduled launches or reentries.'';

and

(D) by adding at the end the following new items:

''70120. Regulations.

''70121. Report to Congress.''.

(2) in section 70101—

(A) by inserting ''microgravity research,'' after ''information services,'' in subsection (a)(3);

(B) by inserting '', reentry,'' after ''launching'' both places it appears in subsection (a)(4);

(C) by inserting '', reentry vehicles,'' after ''launch vehicles'' in subsection (a)(5);

(D) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(6);

(E) by inserting '', reentries,'' after ''launches'' both places it appears in subsection (a)(7);

(F) by inserting '', reentry sites,'' after ''launch sites'' in subsection (a)(8);

(G) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(8);

(H) by inserting ''reentry sites,'' after ''launch sites,'' in subsection (a)(9);

(I) by inserting ''and reentry site'' after ''launch site'' in subsection (a)(9);

(J) by inserting '', reentry vehicles,'' after ''launch vehicles'' in subsection (b)(2);

(K) by striking ''launch'' in subsection (b)(2)(A);

(L) by inserting ''and reentry'' after ''conduct of commercial launch'' in subsection (b)(3);

(M) by striking ''launch'' after ''and transfer commercial'' in subsection (b)(3); and

(N) by inserting ''and development of reentry sites,'' after ''launch-site support facilities,'' in subsection (b)(4);

(3) in section 70102—

(A) in paragraph (3)—

(i) by striking ''and any payload'' and inserting in lieu thereof ''or reentry vehicle and any payload from Earth'';

(ii) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a comma; and

(iii) by adding after subparagraph (C) the following:

''including activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States.'';

(B) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as so redesignated by clause (i) of this subparagraph, the following new subparagraph:

''(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;'';

(C) by inserting ''or reentry vehicle'' after ''means of a launch vehicle'' in paragraph (8);

(D) by redesignating paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively;

(E) by inserting after paragraph (9) the following new paragraphs:

''(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

''(11) 'reentry services' means—

''(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

''(B) the conduct of a reentry.

''(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

''(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space to Earth, substantially intact.''; and

(F) by inserting ''or reentry services'' after ''launch services'' each place it appears in paragraph (15), as so redesignated by subparagraph (D) of this paragraph;

(4) in section 70103(b)—

(A) by inserting ''AND REENTRIES'' after ''LAUNCHES'' in the subsection heading;

(B) by inserting ''and reentries'' after ''commercial space launches'' in paragraph (1); and

(C) by inserting ''and reentry'' after ''space launch'' in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

''§ 70104. Restrictions on launches, operations, and reentries'';

(B) by inserting ''or reentry site, or to reenter a reentry vehicle,'' after ''operate a launch site'' each place it appears in subsection (a);

(C) by inserting ''or reentry'' after ''launch or operation'' in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking ''launch license'' and inserting in lieu thereof ''license'';

(ii) by inserting ''or reenter'' after ''may launch''; and

(iii) by inserting ''or reentering'' after ''related to launching''; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: ''PREVENTING LAUNCHES AND REENTRIES.—'';

(ii) by inserting ''or reentry'' after ''prevent the launch''; and

(iii) by inserting ''or reentry'' after ''decides the launch'';

(6) in section 70105—

(A) by inserting ''(1)'' before ''A person may apply'' in subsection (a);

(B) by striking ''receiving an application'' both places it appears in subsection (a) and inserting in lieu thereof ''accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)'';

(C) by adding at the end of subsection (a) the following: ''The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.

''(2) In carrying out paragraph (1), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.'';

(D) by inserting ''or a reentry site, or the reentry of a reentry vehicle,'' after ''operation of a launch site'' in subsection (b)(1);

(E) by striking ''or operation'' and inserting in lieu thereof '', operation, or reentry'' in subsection (b)(2)(A);

(F) by striking ''and'' at the end of subsection (b)(2)(B);

(G) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof ''; and'';

(H) by adding at the end of subsection (b)(2) the following new subparagraph:

''(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application.''; and

(I) by inserting '', including the requirement to obtain a license,'' after ''waive a requirement'' in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting ''or reentry site'' after ''observer at a launch site'';

(B) by inserting ''or reentry vehicle'' after ''assemble a launch vehicle''; and

(C) by inserting ''or reentry vehicle'' after ''with a launch vehicle'';

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

''§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries'';

and

(B) in subsection (a)—

(i) by inserting ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site''; and

(ii) by inserting ''or reentry'' after ''launch or operation'';

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

''§ 70109. Preemption of scheduled launches or reentries'';

(B) in subsection (a)—

(i) by inserting ''or reentry'' after ''ensure that a launch'';

(ii) by inserting '', reentry site,'' after ''United States Government launch site'';

(iii) by inserting ''or reentry date commitment'' after ''launch date commitment'';

(iv) by inserting ''or reentry'' after ''obtained for a launch'';

(v) by inserting '', reentry site,'' after ''access to a launch site'';

(vi) by inserting '', or services related to a reentry,'' after ''amount for launch services''; and

(vii) by inserting ''or reentry'' after ''the scheduled launch''; and

(C) in subsection (c), by inserting ''or reentry'' after ''prompt launching'';

(10) in section 70110—

(A) by inserting ''or reentry'' after ''prevent the launch'' in subsection (a)(2); and

(B) by inserting ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site'' in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting ''or reentry'' after ''launch'' in subsection (a)(1)(A);

(B) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(1)(B);

(C) by inserting ''or reentry services'' after ''or launch services'' in subsection (a)(2);

(D) by inserting ''or reentry'' after ''commercial launch'' both places it appears in subsection (b)(1);

(E) by inserting ''or reentry services'' after ''launch services'' in subsection (b)(2)(C);

(F) by inserting after subsection (b)(2) the following new paragraph:

''(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.'';

(G) by striking ''or its payload for launch'' in subsection (d) and inserting in lieu thereof ''or reentry vehicle, or the payload of either, for launch or reentry''; and

(H) by inserting '', reentry vehicle,'' after ''manufacturer of the launch vehicle'' in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting ''launch or reentry'' after ''(1) When a'';

(B) by inserting ''or reentry'' after ''one launch'' in subsection (a)(3);

(C) by inserting ''or reentry services'' after ''launch services'' in subsection (a)(4);

(D) in subsection (b)(1), by inserting ''launch or reentry'' after ''(1) A'';

(E) by inserting ''or reentry services'' after ''launch services'' each place it appears in subsection (b);

(F) by inserting ''applicable'' after ''carried out under the'' in paragraphs (1) and (2) of subsection (b);

(G) by striking '', Space, and Technology'' in subsection (d)(1);

(H) by inserting ''OR REENTRIES'' after ''LAUNCHES'' in the heading for subsection (e);

(I) by inserting ''or reentry site or a reentry'' after ''launch site'' in subsection (e); and

(J) in subsection (f), by inserting ''launch or reentry'' after ''carried out under a'';

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting ''or reentry'' after ''one launch'' each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting ''reentry site,'' after ''launch site,''; and

(B) by inserting ''or reentry vehicle'' after ''launch vehicle'' both places it appears;

(15) in section 70117—

(A) by inserting ''or reentry site, or to reenter a reentry vehicle'' after ''operate a launch site'' in subsection (a);

(B) by inserting ''or reentry'' after ''approval of a space launch'' in subsection (d);

(C) by amending subsection (f) to read as follows:

''(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports, except that payloads launched pursuant to foreign trade zone procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a–81u) shall be considered exports with regard to customs entry.''; and

(D) in subsection (g)—

(i) by striking ''operation of a launch vehicle or launch site,'' in paragraph (1) and inserting in lieu thereof ''reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site,''; and

(ii) by inserting ''reentry,'' after ''launch,'' in paragraph (2); and

(16) by adding at the end the following new sections:

''§ 70120. Regulations

''(a) IN GENERAL.—The Secretary of Transportation, within 9 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

''(1) guidelines for industry and State governments to obtain sufficient insurance coverage for potential damages to third parties;

''(2) procedures for requesting and obtaining licenses to launch a commercial launch vehicle;

''(3) procedures for requesting and obtaining operator licenses for launch;

''(4) procedures for requesting and obtaining launch site operator licenses; and

''(5) procedures for the application of government indemnification.

''(b) REENTRY.—The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue a notice of proposed rulemaking to carry out this chapter that includes—

''(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

''(2) procedures for requesting and obtaining operator licenses for reentry; and

''(3) procedures for requesting and obtaining reentry site operator licenses.

''§ 70121. Report to Congress

''The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

''(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

''(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(H).

SEC. 103. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking ''the Office of Commercial Programs within''; and

(B) by striking ''Such program shall not be effective after September 30, 1995.'';

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) FINDING.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) INTERNATIONAL COOPERATION.—In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, the Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees; and

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide.

SEC. 105. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—In order to satisfy the scientific requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall to the

maximum extent possible acquire, where cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) DEFINITION.—For purposes of this section, the term ''space science data'' includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, microgravity acceleration, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 106. ADMINISTRATION OF COMMERCIAL SPACE CENTERS.

The Administrator shall administer the Commercial Space Center program in a coordinated manner from National Aeronautics and Space Administration headquarters.

TITLE II—REMOTE SENSING

SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

(a) FINDINGS.—The Congress finds that—

(1) a robust domestic United States industry in high resolution Earth remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;

(2) to secure its national interests the United States must nurture a commercial remote sensing industry that leads the world;

(3) the Federal Government must provide policy and regulations that promote a stable business environment for that industry to succeed and fulfill the national interest;

(4) it is the responsibility of the Federal Government to create domestic and international conditions favorable to the health and growth of the United States commercial remote sensing industry; and

(5) it is a fundamental goal of United States policy to support and enhance United States industrial competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations of the United States.

(b) AMENDMENTS.—The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

''(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.'';

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively;

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking ''determining the design'' and all that follows through ''international consortium'' and inserting in lieu thereof ''ensuring the continuity of Landsat quality data''; and

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

''(16) The United States should encourage remote sensing systems to promote access to land remote sensing data by scientific researchers and educators.'';

(2) in section 101 (15 U.S.C. 5611)—

(A) in subsection (c)—

(i) by inserting ''and'' at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (e)(1)—

(i) by inserting ''and'' at the end of subparagraph (A);

(ii) by striking '', and'' at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting ''(1)'' after ''NATIONAL SECURITY.—'' in subsection (b);

(B) in subsection (b)(1), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking ''No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply'' and inserting in lieu thereof ''The Secretary shall grant a license if the Secretary determines that the activities proposed in the application are consistent''; and

(ii) by inserting '', and that the applicant has provided assurances adequate to indicate, in combination with other information available to the Secretary that is relevant to activities proposed in the application, that the applicant will comply with all terms of the license'' after ''concerns of the United States'';

(C) by adding at the end of subsection (b) the following new paragraph:

''(2) The Secretary, within 6 months after the date of the enactment of the Commercial Space Act of 1997, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.'';

(D) in subsection (c), by amending the second sentence thereof to read as follows: ''If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license.''; and

(E) in subsection (e)(2)(B), by striking ''and the importance of promoting widespread access to remote sensing data from United States and foreign systems'';

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking ''section 506'' in subsection (b)(1) and inserting in lieu thereof ''section 507'';

(B) in subsection (b)(2), by striking ''as soon as such data are available and on reasonable terms and conditions'' and inserting in lieu thereof ''on reasonable terms and conditions, including the provision of such data in a timely manner subject to United States national security and foreign policy interests'';

(C) in subsection (b)(6), by striking ''any agreement'' and all that follows through ''nations or entities'' and inserting in lieu thereof ''any significant or substantial agreement with new foreign customers''; and

(D) by inserting after paragraph (6) of subsection (b) the following:

''The Secretary may not seek to enjoin a company from entering into a foreign agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security or international obligations of the United States, including an explanation of such inconsistency.'';

(5) in section 203(a)(2) (15 U.S.C. 5623(a)(2)), by striking ''under this title and'' and inserting in lieu thereof ''under this title and/or'';

(6) in section 204 (15 U.S.C. 5624), by striking ''may'' and inserting in lieu thereof ''shall'';

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking ''if such remote sensing space system is licensed by the Secretary before commencing operation'' and inserting in lieu thereof ''if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation'';

(8) by adding at the end of title II the following new section:

''SEC. 206. NOTIFICATION.

''(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

''(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 202(b) or section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.'';

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting '', that are not being commercially developed'' after ''and its environment'' in subsection (a)(2)(B); and

(B) by adding at the end the following new subsection:

''(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the United States commercial sector, unless such activities would result in significant cost savings to the Federal Government, or are necessary for reasons of national security or international obligations.'';

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking ''(a) GENERAL RULE.—'';

(B) by striking '', including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303,'' and inserting in lieu thereof ''that is not otherwise available from the commercial sector''; and

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking '', including any such enhancements developed under the technology demonstration program under section 303,'';

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking ''section 506'' and inserting in lieu thereof ''section 507'';

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking ''section 506'' and inserting in lieu thereof ''section 507''; and

(15) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

''(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with

the Secretary of Defense on all matters under title II affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary to review a completed application, the Secretary of Defense shall notify the Secretary and the licensee of, and describe in appropriate detail, any specific national security concerns of the United States that the Secretary of Defense determines are an appropriate reason for delaying, modifying, or rejecting a license application. The Secretary of Defense shall convey to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the national security concerns of the United States. If no such notification has been received by the Secretary within such 60-day period, the Secretary shall deem that activities proposed in the license application meet the national security concerns of the United States.''';

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

''(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under title II affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary to review a completed application, the Secretary of State shall notify the Secretary and the licensee of, and describe in appropriate detail, any specific international obligations of the United States that the Secretary of State determines are an appropriate reason for delaying, modifying, or rejecting a license application. The Secretary of State shall convey to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines necessary to meet the international obligations of the United States. If no such notification has been received by the Secretary within such 60-day period, the Secretary shall deem that activities proposed in the license application meet the international obligations of the United States.

''(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from commercial providers.''; and

(C) in subsection (d), by striking ''Secretary may require'' and inserting in lieu thereof ''Secretary shall, where appropriate, require''.

SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.

(a) ACQUISITION.—For purposes of meeting Government goals for Mission to Planet Earth, and in order to satisfy the scientific requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) ADMINISTRATION AND EXECUTION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with foreign policy purposes, or launch of the payload by a foreign entity serves foreign policy purposes, and a specific exception to the requirements of subsection (a) has been provided by a law, enacted after the date of the enactment of this Act, that contains no matter other than that exception;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

The Administrator, in consultation with the Secretary of State and the Secretary of Transportation, may propose to the Congress that a specific exception described in paragraph (5) be enacted for a launch or class of launches. Any such proposal shall include a description of the foreign policy purposes that would be served by such an exception, and shall identify the impacts of such an exception on the commercial launch industry. Nothing in this subsection shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for foreign policy purposes, contingent on enactment of a specific exception described in paragraph (5).

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 302. ACQUISITION OF COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(1) by striking section 202;

(2) in section 203—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking ''(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—''; and

(B) by striking subsection (b).

SEC. 304. SHUTTLE PRIVATIZATION.

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Alabama [Mr. CRAMER] each will control 20 minutes.

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

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

Mr. Speaker, last month we marked the 40th anniversary of the beginning of the space age by recalling that day in 1957 when the Soviet Union orbited Sputnik, the world's first manmade satellite. We have accomplished a great deal in the last 40 years, largely through Federal spending. Because of that history, which is a history of the Federal Government's success in the space endeavor, we sometimes think that only the Government is capable of accomplishing missions in space.

As a result, Federal laws and policies are designed around space activities run by the Government for the Government. However, according to a recent study by the investment firm Spacevest and an accounting firm, that is KPMG Peat Marwick, global revenues from commercial space business now exceeds global revenues generated by Government outlays.

This is good news, for several reasons. It gives us a broader industrial base to support Federal space missions, lowering costs to taxpayers in the process. Second, it means that the American people are gaining access to a wide range of new space-related goods and services. Third, it means that the country is creating high-technology, high-paying aerospace jobs that are no longer dependent on Government spending for their existence. Finally, and perhaps most importantly, it means that our future in space is not bound by the Government's ability to spend money.

The spirit of American enterprise will take us to the stars. One problem that we still face is the fact that Government laws, policies, and regulations have not caught up with the way space is developing in the private sector. As a result, sometimes the Government inadvertently hinders commercial space activity. We need to change that so that the American business community can lead the way for the entire planet into space.

Fortunately, there has been bipartisan agreement that commercial space is and should be a vital part of America's space enterprise. Most recently, the Clinton administration has adopted several policies regarding space launch, remote sensing, and space-based navigation which help promote the national interest in commercial space.

We have introduced H.R. 1702 this year to capitalize on those policies and to incorporate some of the lessons we learned about commercial space over the last few years into law. The bill meets an urgent as well as near-term need to establish a regulatory framework that will allow commercial entities to reenter spacecraft and payloads from space to Earth.

Basically, what we are talking about here is allowing companies who are investing in reusable launch vehicles to legally operate this new type of exciting spacecraft that we believe will be the basis of our whole space exploration utilization effort in the years ahead.

The bill improves the legal framework for commercial remote sensing by requiring that license applications be examined by Secretaries of Defense and State to ensure their consistency with U.S. national security and international obligations. However, we are also giving the Government hard deadlines to act upon these applications.

In business, time is money and it can make the difference between success or failure. The past failures of Federal departments to coordinate implementation of the Land Remote Sensing Policy Act in a timely fashion have made it difficult for U.S. companies to retake the international lead in commercial remote sensing from a multitude of other countries.

Finally, the bill we are discussing today requires the Government to purchase commercial space launch services instead of relying on burdensome procurement rules in the purchase of rockets themselves.

Mr. Speaker, the Commercial Space Act of 1997 is a culmination of 2 years of extensive bipartisan consultation and cooperation. It would not have been possible to bring this bill to the floor today without the real dedication and commitment by Members of both sides of the aisle and, I might say, on both sides of the aisle in the Subcommittee on Space and Aeronautics.

There are three significant changes in the bill. By working together, we have come up with these changes to meet the request by committee members since our markup. We add today a new section on shuttle privatization, which contains the same language as the Civilian Space Authorization Act the House passed this April. In it we direct NASA to prepare for the potential privatization of the space shuttle system.

In the bill's amendments to the Commerce Space Launch Act, the language addressing ''launch not an export'' has been modified to underscore the intent of the original language in the Commercial Space Launch Act of 1984. The committee intends that payloads launched pursuant to foreign trade zone procedures be considered as exports only for the purpose of customs entry procedures so that such payloads will be in complete compliance with the duty deferral program.

The third change, which we made at the request, I might add, of ranking member, the gentleman from California [Mr. BROWN], is to add an exception to the bill's mandate that the Federal Government purchase launch services from U.S. commercial providers. We allow for an exception for reasons of foreign policy purposes but with a requirement that Congress pass a law in order to approve the exception.

Mr. Speaker, I am proud to say that this bill is also a product of excessive consultation and cooperation with the Clinton administration. This bill

moved through the committee; and as it did, it attracted the attention of various bureaucrats, departments, and agencies.

During the markup, we have made over three dozen changes at the request of these agencies and will make several more today. In most cases, these changes improve the bill and we are happy and were happy to make them. In particular, the provisions that cause the administration the most concern have been changed.

For example, we deleted a requirement that the Defense Department and State Department publish lists of national security concerns and international obligations. We also added a reference to the international policies that exist in current law.

The other changes to this section include the promotion of greater access to remote sensing by scientific researchers and educators, making the current regulations for this growing industry consistent with the national security and foreign policy considerations of the United States, streamlining the application procedures for a commercial license so that the needs of the Government are addressed while ensuring that agencies are responsive to the highly competitive environment in the commercial sector.

In the sections on space science and Earth science data buys, we modified proposed language to include consideration of the data requirements of scientific researchers and other Federal agencies beyond NASA.

Finally, we made a change in the section on acquisition of commercial space transportation services to accommodate the Defense Department. Unfortunately, it has become clear that some Federal departments do not agree with either the President's own policy supporting commercial space development or the intent of Congress as expressed in previous laws supporting space enterprise. Those departments have asked us to make changes that have no other purpose than to fight bureaucratic turf battles or to enhance their own self-importance. We have rejected such changes.

Departments and agencies work for the American people, who have made it clear they want goods and services and the jobs of commercial space development is here and has been created here and to have these things done here instead of going overseas because of bureaucratic impediments.

These continued efforts by the entrenched Government bureaucrats to enhance their own power and, basically, these things conflict with the American people and our own national interest, and that national interest is that we lead the world in new space enterprise and industry.

As this bill moves through the Senate, we need to challenge our colleagues on the other side of the Capitol to be on guard against scare tactics by bureaucrats and by bureaucracies attempting to enhance their own power by changing this bill. We must also challenge the President and Vice President, who have developed very sound policies that this bill supports. But we like them and we want to make sure they stick to their guns. We must challenge the White House to impose order on the interagency process and to reject the special pleas of bureaucratic interest to change the bill in order to enhance certain bureaucrats' own authority.

If the White House is serious about its public pronouncements on space policy, and I believe the White House is sincere in this, then it needs to bring all Federal agencies into line with the goals of the American people rather than subverting those goals to accommodate different power bureaucrats here in Washington, DC.

With the President's support and with the discipline to reject the pleas from special interests, especially those within Government, to modify this bill further, we can give the American people sound, bipartisan legislation that will help build a better future and ensure that America remains the No. 1, power in space and especially the No. 1 space commercial power. I would ask all of my colleagues in the House on both sides of the aisle to join us in this effort.

Finally, I would like to thank the gentleman from Alabama [Mr. CRAMER] for the hard work that he has put in. This has truly been a bipartisan effort, and I congratulate him for the hard work he has put in and thank him for that.

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

□ 1430

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

Mr. Speaker, I am privileged today to rise with the chairman of the Subcommittee on Space and Aeronautics in full support of the Commercial Space Act of 1997; that is, H.R. 1702, as amended. I want to say as well to the chairman of the Subcommittee on Space and Aeronautics, the chairman of the full committee, as well as the gentleman from California [Mr. BROWN], the ranking member, that it has been a pleasure to work with them on this very important piece of legislation.

Since the early years of the space age, successive Congresses and administrations have supported the development of a healthy, robust commercial space sector on a bipartisan basis. I think this that we are offering today is a reflection of that. As a result, we have already witnessed the explosive growth of the commercial satellite communications systems. This offers us so much potential, systems that have brought the rest of the world as close to us as the telephone and the television. Companies are investing billions of dollars to make sure that the next generation is able to benefit the way they should be able to benefit.

However, space commercialization is not just confined to the satellite communications. This Congress in years past has had an aggressive record of making sure that we were proactive in this area. Back in 1984, the Congress enacted the Commercial Space Launch Act. That led to the development of a U.S. commercial space launch industry that is competitive on a worldwide basis. Then again in 1992, we enacted the Land Remote Sensing Policy Act, which my colleague has detailed. This has kick-started the commercial remote sensing industry in this country and given us a tremendous lead and a tremendous advantage.

Today H.R. 1702, as amended, should be seen as another effort in those steps to help advance the commercial space sector. It includes a number of important provisions. In particular, I think a very important provision would allow the Department of Transportation to license reentry vehicle operations. That provision and other provisions are noncontroversial. There are provisions in there that would make sure that we move toward the eventual commercial operation of the reusable launch systems, the next generation of space transportation systems. I am someone who has long been a supporter of efforts to reduce the launch costs. I think it is very important to this country that we accomplish that. I am pleased that we are including such provisions, the licensing provisions, in H.R. 1702.

Mr. Speaker, again I want to thank the chairman of the Committee on Science, the chairman of the Subcommittee on Space and Aeronautics, and the gentleman from California [Mr. BROWN], the ranking member, for their diligence and years of work on this legislation and similar legislation. I think H.R. 1702, as amended, is a useful piece of legislation, and I urge its passage today.

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

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

Mr. Speaker, the gentleman from California [Mr. BROWN], our ranking member, has been a tremendous asset to us in this bill and as with all bills dealing with space. I salute that ranking member. I also salute the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman. He has done a terrific job as the newest chairman of the Committee on Science. The gentleman from Alabama [Mr. CRAMER] and I have worked together. If there is any committee in Congress that exemplifies the spirit of bipartisan cooperation, I think it is our committee.

I think this piece of legislation is a very positive piece of legislation. It has been made better by that spirit of cooperation. I am sure we can work this way in the future, but I would like to extend my congratulations to the gentleman from Alabama [Mr. CRAMER], who also will be moving on to another

committee assignment on the Committee on Appropriations, so we are looking forward to bigger and better things from the gentleman from Alabama as well.

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

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

Mr. Speaker, I have enjoyed very much working with my colleague across the aisle. In my years here in Congress, I came to this Congress so I could be on this committee, we have accomplished a number of extraordinary things together. We have fought battles in the trenches; won most of them, but not all of them. I want to congratulate the gentleman as well and the gentleman from Wisconsin [Mr. SENSENBRENNER] as well as the gentleman from California [Mr. BROWN] for those years of service. I just hope that my move now to another committee will give me a chance to advance my work with the space issues as well.

Mr. BROWN of California. Mr. Speaker, I would like to rise in support of H.R. 1702, as amended, also known as the Commercial Space Act of 1997. This bill, while not perfect, represents another step in Congress's efforts to promote the development of a vibrant, growing commercial space sector.

In the forty years since the dawn of the Space Age, Congress has enacted a series of legislative measures that have helped to increase the private sector's role in satellite communications, launch services, and remote sensing. As a result, commercial space activities have become a significant component of the nation's economy, and they give every indication of being even more significant in the years ahead.

Mr. Speaker, I believe that America is best served by both a strong commercial space sector and a strong governmental commitment to space research and development. On the one hand, government should not try to compete with the private sector. On the other hand, the existence of a commercial space sector does not relieve the Federal government of its responsibility to undertake those activities that only it can and/or should carry out.

I believe that H.R. 1702, while a relatively modest bill, includes a number of useful provisions, especially those related to reentry vehicle licensing, launch operations, and commercial launch services. I would note that the version of H.R. 1702 that is under consideration today also contains an amendment intended to at least partially address a concern I had raised about the Union Calendar version of the bill.

Specifically, existing law allows NASA to undertake cooperative missions with other nations that involve flying U.S. government payloads on foreign launch vehicles. Such an option can provide significant benefits to both parties, lowering costs to each partner and allowing enhanced mission capabilities. To cite just one example, the law allowed the highly successful Topex-Poseidon Earth science mission to be conducted with the French. That law also makes possible other cooperative space and Earth science missions, as well giving us the flexibility we will need to most effectively resupply the International Space Station.

I strongly believe that the ability to undertake such cooperative missions is in our national interest. The Union Calendar version of H.R. 1702 would have deleted that provision from existing law. An amendment that is included in the bill before us today restores that provision, albeit with restrictions. While I wish that the amendment had simply reaffirmed existing law, I believe that it represents a positive step forward in addressing the issue. I want to express my appreciation to Chairman SENSENBRENNER for his willingness to work with me on this matter.

Mr. Speaker, I believe that, on balance, H.R. 1702 is a useful bill. I recognize that the Administration has several areas of continuing concern with the bill. I intend to work with the Chairman, the Administration, and our counterparts in the Senate to resolve any remaining differences and enact a commercial space bill during the 105th Congress.

I urge Members to suspend the rules and pass H.R. 1702, as amended.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and pass the bill, H.R. 1702, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1702.

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

There was no objection.

ADDITION OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1702

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the names of the following members who were inadvertently not included as cosponsors of H.R. 1702 be placed in the RECORD at this point:

Mr. DOYLE of Pennsylvania;

Mr. HASTINGS from Florida; and

Mr. BRADY from Texas.

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

There was no objection.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1839) to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, as amended.

The Clerk read as follows:

H.R. 1839

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Salvage Motor Vehicle Consumer Protection Act of 1997''.

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

''CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

''Sec.

''33301. Definitions.
''33302. Passenger motor vehicle titling.
''33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.
''33304. Report on funding.
''33305. Effect on State law.
''33306. Civil and criminal penalties.
''33307. Actions by States.

''§33301. Definitions

''(a) DEFINITIONS.—For the purposes of this chapter:

''(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' shall have the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it shall include a multipurpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), or a truck, other than a truck referred to in section 32101(10)(B), when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and except further, it shall only include a vehicle manufactured primarily for use on public streets, roads, and highways.

''(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

''(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 80 percent of the retail value of the passenger motor vehicle;

''(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

''(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

''(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title

shall be conspicuously labeled with the word 'salvage' across the front.

''(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

''(A) any passenger motor vehicle which was previously issued a salvage title, has passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

''(B) any passenger motor vehicle which was previously issued a salvage title, has passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

''(5) REBUILT SALVAGE TITLE.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

''(6) NONREPAIRABLE VEHICLE.—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

''(7) NONREPAIRABLE VEHICLE CERTIFICATE.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(9) LATE MODEL VEHICLE.—The term 'Late Model Vehicle' means any passenger motor vehicle which—

''(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

''(B) has a retail value of more than $7,500.

The Secretary shall adjust such retail value on an annual basis in accordance with changes in the consumer price index.

''(10) RETAIL VALUE.—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

''(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

''(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

''(11) COST OF REPAIRS.—The term 'cost of repairs' means the estimated retail cost of parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

''(12) FLOOD VEHICLE.—The term 'flood vehicle' means any passenger motor vehicle that—

''(A) has been acquired by an insurance company as part of a damage settlement due to water damage; or

''(B) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except—

''(i) where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined to have no electrical, computerized or mechanical components which were damaged by water; or,

''(ii) where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined to have one or more electrical, computerized or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

Disclosure that a vehicle is a flood vehicle must be made at the time of transfer of ownership and the brand 'Flood' shall be conspicuously marked on all subsequent titles for the vehicle. No inspection shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to subparagraph (B). Disclosing a passenger motor vehicle's status as a flood vehicle or conducting an inspection pursuant to subparagraph (B) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

''(b) CONSTRUCTION.—The definitions set forth in subsection (a) shall only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

''§ 33302. Passenger motor vehicle titling

''(a) CARRY-FORWARD OF INFORMATION ON A NEWLY ISSUED TITLE WHERE THE PREVIOUS TITLE FOR THE VEHICLE WAS NOT ISSUED PURSUANT TO NEW NATIONALLY UNIFORM STANDARDS.—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year from the date of the enactment of this chapter, each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or word of like kind, or that it has been damaged by flood.

''(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—Not later than 18 months after the date of the enactment of this chapter, the Secretary shall by rule require each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

''(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

''(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

''(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

''(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

''(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

''(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

''(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

''(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

''(B) A requirement to inspect the passenger motor vehicle or any major part or any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry

accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

''(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

''(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

''(10) A State shall employ the following titling and control methods:

''(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

''(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

''(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle and notify the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle, except to the extent such notification is prohibited by State insurance law.

''(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the lessee that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage.

''(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

''(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

''(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the State within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

''(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

''(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

''(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

''(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, at or prior to the time of transfer of ownership, give the buyer a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word 'Flood' shall be conspicuously labeled across the front of the new title.

''(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

''(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

''(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may be registered for use on the roads and highways.

''(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never be titled or registered for use on roads or highways.

''(c) CONSUMER NOTICE IN NONCOMPLIANT STATES.—Any State receiving, either directly or indirectly, funds appropriated under section 30503(c) of this title after fiscal year 1998 and not complying with the requirements of subsections (a) and (b) of this section, shall conspicuously print the following notice on all titles or ownership certificates issued for passenger motor vehicles in such State until such time as such State is in compliance with the requirements of subsections (a) and (b) of this section: 'NOTICE: This State does not conform to the uniform Federal requirements of the National Salvage Motor Vehicle Consumer Protection Act of 1997.'.

"§ 33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

''(a) WRITTEN DISCLOSURE REQUIREMENTS.—

''(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

''(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

''(3) COMPLETENESS.—A person acquiring a rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

''(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

''(b) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the

applicable State antitheft inspection in a participating State.

''(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

''(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

''§ 33304. Report on funding

''The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

''§ 33305. Effect on State law

''(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws in States receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

''(1) set forth the form of the passenger motor vehicle title;

''(2) define, in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms 'salvage', 'junk', 'reconstructed', 'nonrepairable', 'unrebuildable', 'scrap', 'parts only', 'rebuilt', 'flood', or any other symbol or word of like kind, or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

''(3) set forth titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

The requirements described in paragraph (3) shall not be construed to affect any State consumer law actions that may be available to residents of the State for violations of this chapter.

''(b) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt salvage title that a rebuilt salvage vehicle has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

''§ 33306. Civil and criminal penalties

''(a) PROHIBITED ACTS.—It shall be unlawful for any person knowingly and willfully to—

''(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

''(2) fail to apply for a salvage title when such an application is required;

''(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10)(I), or any disclosure made pursuant to section 33303;

''(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

''(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

''(6) fail to make any disclosure required by section 33303, except when the person lacks actual knowledge of the status of the rebuilt salvage vehicle;

''(7) violate a regulation prescribed under this chapter; or

''(8) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), or (7).

''(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to $2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

''(c) CRIMINAL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined up to $50,000 or sentenced to up to 3 years imprisonment or both, per offense.

''§ 33307. Actions by States

''(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated or is violating section 33302 or 33303, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or the appropriate State court to enjoin such violation or to enforce the civil penalties under section 33306 or enforce the criminal penalties under section 33306.

''(b) NOTICE.—The State shall serve prior written notice of any civil or criminal action under subsection (a) or (e)(2) upon the Attorney General and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil or criminal action, the Attorney General shall have the right—

''(1) to intervene in such action;

''(2) upon so intervening, to be heard on all matters arising therein; and

''(3) to file petitions for appeal.

''(c) CONSTRUCTION.—For purposes of bringing any civil or criminal action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(d) VENUE; SERVICE OF PROCESS.—Any civil or criminal action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(e) ACTIONS BY STATE OFFICIALS.—

''(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

''(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

''333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS ..... 33301''.

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Amend section 30501(4) of title 49, United States Code, to read as follows:

''(4) 'nonrepairable vehicle', 'salvage vehicle', and 'rebuilt salvage vehicle' shall have the same meanings given those terms in section 33301 of this title.''.

(2) Amend section 30501(5) of title 49, United States Code, by striking ''junk automobiles'' and inserting ''nonrepairable vehicles''.

(3) Amend section 30501(8) by striking ''salvage automobiles'' and inserting ''salvage vehicles''.

(4) Strike paragraph (7) of section 30501 of title 49, United States Code, and renumber the succeeding sections accordingly.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Amend section 30502(d)(3) of title 49, United States Code, to read as follows:

''(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle;''.

(2) Amend section 30502(d)(5) of title 49, United States Code, to read as follows:

''(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle under section 30504 of this title.''.

(c) STATE PARTICIPATION.—Amend section 30503 of title 49, United States Code, to read as follows:

''§ 30503. State participation

''(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

''(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

''(1) communicating to the operator—

''(A) the vehicle identification number of the automobile for which the certificate of title is sought;

''(B) the name of the State that issued the most recent certificate of title for the automobile; and

''(C) the name of the individual or entity to whom the certificate of title was issued; and

''(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

''(c) GRANTS TO STATES.—

''(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

''(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

''(B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

''(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

''(d) REPORT TO CONGRESS.—Not later than October 1, 1998, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.''.

(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking ''junk automobiles or salvage automobiles'' every place it appears and inserting ''nonrepairable vehicles, rebuilt salvage vehicles, or salvage vehicles''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1839.

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

There was no objection.

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

Mr. Speaker, today I rise in strong support of H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act. Ever since my constituent Dick Strauss, a car dealer in Richmond, VA, first came to me to describe this problem several years ago, I have consistently supported the adoption of uniform definitions for salvage automobiles. It is an important protection for consumers, dealers, and insurers alike to prevent theft and to protect used car customers.

Frequently auto dealers will make every effort to ensure that the used cars on their lots are of the highest quality. Unfortunately, increasingly sophisticated scam artists are using the differences in State automobile titling schemes to swindle both consumers and legitimate businesspeople. We read about the problem in our local papers, even in the comics. I am reminded of a recent series in the Judge Parker comic strip about a young lady who discovered she had unknowingly purchased a vehicle that had been totaled in an accident. We have an obligation to protect real consumers from the same fate.

H.R. 1839 goes a long way toward achieving that goal. Supported by a coalition of business groups and the States, this bill implements many of the recommendations of a national panel of experts representing the States, law enforcement and business asking for Federal legislation to establish uniform definitions and procedures for the titling and registration of vehicles totaled by accident or flood. When enacted, H.R. 1839 will ensure that consumers have better access to information about the cars that they intend to purchase and that honest dealers can sell used cars without the worry that they may unwittingly be selling a stolen or totaled car.

The bill before the House today makes several changes to the bill reported by the Committee on Commerce. At the request of the States and the Committee on the Judiciary, we reexamined a provision in the committee reported bill which tied participation in the National Motor Vehicle Title Information System to the adoption of the standards in H.R. 1839. After extensive discussions with State motor vehicle administrators and others, we agreed that an approach using the incentive of an existing Federal grant program would address the concerns of State motor vehicle and law enforcement officials while at the same time significantly improving participation in the program.

The bill as amended eliminates the prohibition on participation in the National Motor Vehicle Title Information System which concerns State and Federal officials. However, the bill stipulates that if a State receives grant funding to upgrade its motor vehicle titling systems, it must either adopt the standards and procedures described in H.R. 1839 or print a notice on the face of each of its titles that it does not comply with the consumer protections required by this legislation. We believe that this change will encourage even more States to participate than CBO originally projected.

The legislation before the House today also improves the definition of ''flood vehicle'' provided in the bill as introduced. After the Midwest floods over the past few years, it was clear that a more precise definition of this term is needed. I was happy to see that the salvage operators, insurers, and automobile dealers worked together to address this problem.

Mr. Speaker, H.R. 1839 is legislation which protects consumers by striking a balance. It vastly improves the status quo by giving consumers, dealers and State officials notice about the status of vehicles that have been totaled by accident or flood. Today the patchwork of 50 different State laws ensures that no State can adequately protect its own citizens. This bill changes that situation. For that reason I strongly support its passage.

In closing, I want to recognize the gentleman from Washington [Mr. WHITE] for all the hard work and his willingness to try to work with the interested groups for a solution to the problem. I would also like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. MCCOLLUM] for their willingness to work with the Committee on Commerce to bring this legislation forward. I urge all my colleagues to support the bill.

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

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

Mr. Speaker, I rise with significant concerns about the bill before us this afternoon. This legislation is opposed by the Center for Auto Safety, the Consumer Federation of America, the Consumers for Auto Reliability and Safety, U.S. PIRG, the National Association of Consumer Advocates, Public Citizen and the Consumers Union.

I believe the author of this legislation commenced with very noble intentions, but was forced into a rather elliptical legislative scheme to induce State actions for fear of triggering an unfunded mandates claim. As a result, this legislation ultimately does not require States to do much of anything to protect consumer safety. There are no mandatory safety inspections in the bill. Safety inspections are optional.

Moreover, this bill may unwittingly lead to greater consumer confusion about the condition of used cars because States will undoubtedly have various requirements for consumer disclosure from coast to coast.

In addition, the bill may force States to rewrite better consumer protection laws in which the terms ''rebuilt salvage vehicle'' or ''salvage vehicle'' now appear. It would prevent States from using a damage threshold of under 80 percent, which is higher than a number of States' laws, and higher than the recommendations from the Nation's attorneys general and a special task force that delved into these issues in depth.

Second, I continue to have concerns that the definition in the bill of a ''late model vehicle'' is overly narrow. This legislation would exempt sellers of cars over 6 model years old and worth less than $7,500 from having to disclose any accident damage. My car, my beautiful Buick Park Avenue, is 7 years old. It only has 42,000 miles on it. If I had a major accident, I would not have to disclose that, even though I could represent that it only had 42,000 miles, looked like it was in good condition. The average car on the road these days is close to 8 years old. The Department of Transportation tells us that. So we are potentially exempting a very large fleet of automobiles from the provisions in the bill.

Third, the legislation does not include a private right of action for aggrieved consumers. I believe that a private right of action ought to be included in the bill so that individuals can act without having to wait for a State attorney general to take action.

Again, this legislation is opposed by the Center for Auto Safety, the Consumer Federation of America, and all the rest of the groups that I mentioned. I would hope that before the legislative process is over, the bill will be adjusted so that consumer groups will support what is ostensibly being done on their behalf.

I do believe that we will still have an opportunity in the other body and in conference with the Senate to further improve the bill. I want to thank the gentleman from Virginia [Mr. BLILEY] for the way in which he has conducted proceedings on this bill, and I want to thank the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Washington [Mr. WHITE] for their willingness to work with people on this side of the aisle and to listen to our concerns and those of national consumer organizations.

The gentleman from Washington [Mr. WHITE] has made some adjustments in this legislation, and I thank him for that, but I continue to feel that this bill needs further adjustment and hope that we can continue to improve upon the language before the House this afternoon or when we reach conference committee with the Senate.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE], a member of the committee.

□ 1445

Mr. WHITE. Mr. Speaker, I thank the gentleman from Virginia for his excellent work in helping on this bill and yielding me this time today.

Mr. Speaker, we have a bill here that in the last Congress had well over 200 cosponsors. In this Congress, we also have numerous cosponsors going all the way from the minority leader, the gentleman from Missouri [Mr. GEPHARDT] to many, many Republicans. That usually means one or two things; either it is a bill that is a really good idea and a lot of people support it, or it is a bill that does not do very much so people do not have to worry about it too much. I would respectfully suggest that in this case we are in the former situation, and I think all my colleagues should think very seriously about passing this bill.

This bill addresses a very simple problem, the fact that consumers now do not know, when they buy a used car, whether the car has been damaged and totaled and then reconstructed or not, and that can lead to a number of safety problems. The problem is, we do not have a uniform system among our States to title these vehicles, and the bill is designed to solve that problem.

Although it does seem like a simple problem, nothing is never quite as simple as we think when we start drafting a Federal bill, and we have spent 3 years, Mr. Speaker, talking to every single group we could find, from the State motor vehicle departments, the consumer groups, auto dealers, everybody we could come up with, to try to come up with a bill that solves this problem in a reasonable way, and I think the bill we have does that in a very good way.

I would say to my friend from Massachusetts that there are some groups who oppose this bill, but there are far more groups who support the bill, groups ranging from the motor vehicle administrators representing all the State and motor vehicle departments, certain consumer groups, new car dealers, and most of the people who have been involved in this process right from the beginning.

I would also say that while there are some groups who support it, many of them, the groups who oppose this bill, do so because it omits a private right of action, does not allow people to sue under a Federal statute in order to enforce certain parts of the bill. That is exactly what we tried to avoid in drafting this bill, was a process that would lead to a lot of litigation. We would like to have a simple rule that can be easily administered without a whole bunch of Federal preemptions of States rights.

I would also say to the gentleman that we have spent hours and hours and hours trying to figure out a definition that achieves a balance between protecting as many people as possible but not being absurd at the end of the day.

The gentleman may have an automobile that is more than 6 years old. I have to tell him that my automobile is 13 years old. My automobile has 120,000 miles on it, and I can tell my colleague that if I have a flat tire on my automobile, the value of the automobile is such that it might well trigger the 80-percent threshold for saying that my car has been totaled. And what we have tried to do in coming up with a definition is find a balance where we protect as many cars as possible but we do not bring into the definition of a car that has been totaled cars as old as mine and as worthless as mine that still work but might be considered totaled because they have a flat tire.

So we really have tried very hard to address the gentleman's concerns. I would say that we would like to continue to try to address the gentleman's concerns, and if this bill does pass today, as we hope, we would be happy to talk to him in the conference and see if we cannot make some additional adjustments that move things in the right direction, but we have worked very hard on this bill with all the groups who are interested, and I think it is time to pass it in this House today.

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

Mr. Speaker, again, I want to compliment the gentleman from Washington State, and the gentleman from Virginia, and the gentleman from Louisiana for their work on this legislation. It is a complicated piece of legislation, and where we draw the line is, of course, one that is, as my colleagues know, a judgment that is quite subjective.

The bill that is before us today exempts sellers of cars where the automobile is 6 years, 6 model years, or older and worth less than $7,500. Now that is just a judgment call, but we are told that the average, the average automobile in the United States is 8 years old or older. So if the average car is 8 years old and we are picking 6 years, what are we talking about?

So what I did was, I had Kelly's Blue Book site on the Internet pulled up so we can take a look at some of the cars that one might be able to purchase that would not be covered, one would not get any warning that the car had had serious damage to it. Here are just a few of the 1989 model cars that the bill exempts in the Blue book:

A 1989 Chrysler Le Baron premium convertible 2–D, 100,000 miles; 1989; one could get it for $1,310; but they do not have to say if it has had a major collision, they do not have to give any information about it.

How about a 1989—would my colleague be interested in this: A 1989 Oldsmobile Cutlass Supreme coupe, 110,000 miles, cruise control, AM/FM stereo cassette, compact disk, CD changer, premium sound, sliding sun roof, and get it for 1,900 bucks? But my colleague is not going to get any information about whether or not it was in a crash.

How about this one? See if my colleague is interested. A 1989 Alfa Romeo Spyder convertible, compact disk, CD changer, premium sound, air-conditioning, power steering, the works, 4,470 bucks. 1989. But it is exempt; they do not have to pass on this information about whether or not it had a major accident.

Now how about this one if my colleague is not interested in the others? A 1989 Porsche 944 turbo coupe with air-conditioning, power steering, power windows, power door locks, tilt wheel, cruise control, premium sound, sliding sun roof, alloy rear wheels, excellent trade-in value, 7,455 bucks. This is a 1989 Porsche, no information about whether or not it had accidents.

I am almost done. As my colleague knows, I have got to go through the entire inventory in the store, and then I will be more than willing to yield to the gentleman.

Mr. WHITE. I have got my eye on one right now. I would be happy to buy it from the gentleman.

Mr. MARKEY. All right. Well, listen to this one. This might have been something that has been in the back of my colleague's mind over the years. I bet we all had a little bit of a fantasy

about this car, a 1989 Jaguar XJS convertible, beautiful car, really a beautiful car, air-conditioning, power steering, power windows, power door locks, tilt wheel, AM/FM cassette, leather, alloy wheels, 7,125 bucks, 1989, 8 years old, the average age of a car in the United States.

I think that we at least should have the average car. Now we all know that an automobile that is older than this, as my colleagues know, is not going to be worth, on average, 7,500 bucks. It is tough to find a car that is 8, 9, 10 years old that is worth 7,500 bucks, but yet that is the average age of the cars on the road, and millions and millions of Americans every single year purchase a car in that age category because they cannot afford to buy a brand new car. Are not they entitled to some minimal amount of information about whether or not the previous owner had a major crack-up with the car?

Mr. Speaker, I yield to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I appreciate it very much, and I know it is a mistake to buy a used car from the gentleman from Massachusetts, but, nevertheless, I am intrigued by the Oldsmobile that he talked about, the 1989 Oldsmobile, I believe the gentleman said it had a sun roof, for $1,900; is that right?

Mr. MARKEY. That is correct.

Mr. WHITE. And if I bought that car from the gentleman, and the sun roof had a malfunction, it could easily cost me $1,000, $1,300, maybe even $1,600 to fix that sun roof, and if it did cost me $1,600 to fix that sun roof, the bill would be considered totaled under the 80 percent definition, which is why it would not make sense to include that car in this particular bill.

The whole thing is about coming up with a balance. We do not want a situation where a perfectly serviceable car, no structural damage, has a damaged sun roof and then all of a sudden has to be classified as a salvaged vehicle under this title, and that is the balance we are trying to strike. I know the gentleman wants to strike the balance too. I know he suggested that we use a definition of 8 years. We actually have 6 model years, which is actually 7 years, so we are very close.

Mr. MARKEY. If I may reclaim my time, what if, rather than the case the gentleman singles out, what if it was the axle of the car that was damaged? What if it was that the steering wheel, in fact, had been coming off in the hands of the previous owner? What if, in fact, the engine on a frequent basis had been exploding into flames in the driveway of the previous owner and he had been trying to unload it on some unsuspecting consumer looking for a bargain?

So, yes, the sun roof answer is an interesting one and kind of a cute one, but it does not get to the core of our concern, which is the safety-related issues that could be covered up.

Mr. Speaker, I yield to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. All I want to point out is, the gentleman is absolutely right, if a car has an axle problem, that is something someone would like to know about, but under his bill a car, or his suggestion, a car that is older than 8 years, one still would not know about the axle.

So it is all a question of just where we draw the line to try to capture the most cars in a reasonable way.

Mr. MARKEY. Let me reclaim my time one more time to say I agree with the gentleman, it is where we draw the line. But if the average age of the average automobile on the American highway is 8 years of age, then at least let us give that protection. We can decide that in 10 years, in 12 years it is caveat emptor, but, my God, most of us, when and if we buy a used car, we are going to be buying it in the sixth to eighth year category. So that is the only point I am trying to make here.

The gentleman has moved the bill in the correct direction. I just think it stops short of capturing that group of automobiles which really is the most desirable used car that is being sold in America but with representations that may not fully reflect the safety of the car.

Mr. Speaker, I reserve the balance of my time at this point.

Mr. BLILEY. Mr. Speaker, I do not have any more speakers, so I would reserve the balance of my time.

Mr. MARKEY. May I ask, Mr. Speaker, how much time I have remaining?

The SPEAKER pro tempore [Mr. PACKARD]. The gentleman from Massachusetts has 9 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding this time to me. He is gracious. I may not use all 5 minutes, and I would be happy to yield that time back if I do not.

I just want to say, Mr. Speaker, along with my colleague from Massachusetts, I rise today to inform my colleagues that, in fact, this bill might not be what they think it is, and I want to first of all start off by giving great praise to my colleague, the gentleman from Washington [Mr. WHITE], who has worked very hard on this piece of legislation, and the fact that we disagree on this piece of legislation does not mean that he has not worked with all great intention and he has moved the bill the right way, but I think that if this bill is to pass, that we are going to be making an already bad situation all the more confusing for the consumers across this Nation.

And I would agree that the national uniformity for auto salvage laws is a very good idea. In fact, VIN switching and title washing are definitely a problem that national uniformity would help. But as it has developed, this bill does not provide that uniformity.

As introduced, H.R. 1839 did require national uniformity even though, and I may have disagreed with how it would have preempted the State laws, at least it would have created a uniform system so that consumers would know exactly what it was they were buying, regardless of the State that they lived in.

But, Mr. Speaker, I have to point out to my colleagues that the bill that they will be voting on today, as changed by the manager's amendment, will not get us uniformity, and in fact it now runs the risk of being worse than us doing nothing at all.

In 1992, Members of Congress passed the Anti-Car Theft Act which, among other things, made carjacking a Federal crime. Also included in that act was the authorization of the National Motor Vehicle Title Information System to be a national data base of information on State and motor vehicle titles that would allow States to do an instant check on vehicles titled in another State.

The way this bill works is to require States that want to participate in the National Motor Vehicle Title Information System to either adopt the new Federal standards or include a new notice on the certificate of title that discloses that their State does not comply with the new Federal standards or stay exactly the way they are right now and not participate in the National Motor Vehicle Title Information System.

So, again, Mr. Speaker, I want to point out that making the adoption of the new Federal standards completely optional directly contradicts the bill's intended purpose to establish national uniformity and definitions and procedures regarding the titling of severely damaged motor vehicles.

If this act passes, we will have three kinds of States; we will have States that can opt into the Federal standards and can take Federal grant money to participate in a yet to be developed national motor vehicle titling information system at the cost of having their salvage laws preempted by the national law. If a State does not want to do that, they would fall perhaps in the second category, and that is States that opt out of the Federal standards but they still want to take Federal grant money to participate in the national motor vehicle titling information system, but they would then decide to disclose the fact that they do not comply with Federal standards on each certificate of title that they issue. Or we could have a third kind of State, States that completely opt out and keep their current law.

Now I am in favor of national uniformity, but, as my colleagues can see, we have some States adopting a Federal standard, some States that have to disclose that they are not going to adopt the Federal standards but that they still want to take Federal grant money to participate in a national motor vehicle titling information system, and some States that could say the heck with it all, we are going to stand pat on what we are doing now, we are going to keep our local standards, our current State law, that afford more

disclosure to consumers than the proposed Federal standard.

□ 1500

Now, I have to say again, this does not help us to achieve the stated goal of uniformity. In fact, I think it is going to worsen the current hodgepodge of State laws, while potentially undermining the effectiveness of the national motor vehicle tight link information system at the same time. In addition to having various State laws, we are now going to add to that another level of Federal law that consumers will assume is national uniformity, but, in fact, will not be.

Mr. Speaker, I remain very happy to work with my colleagues if this bill does not pass so that we can achieve our goals, but as of right now this is a bill that badly needs to be improved.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE].

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

I just wanted to say in response to the gentleman from Pennsylvania, I appreciate his work on this bill too, and I know he has worked with us long and hard in a sincere effort in trying to improve this bill. The same is certainly true for the gentleman from Massachusetts.

If I could characterize what the gentleman from Pennsylvania has said, he is essentially saying this bill is not quite perfect, it does not quite establish a national uniform standard, and I would say to him that that is essentially true. It would be nice to have a uniform national standard, but we also have a Constitution that we have to deal with here and we can only do so much as the Constitution permits us.

I think it would be a mistake to make the perfect bill here be the enemy of a good bill. We have a good bill that takes us a long way in the right direction. We have heard from most of the States, and our sense is that virtually all of them will participate in this program.

So I think it is a good bill and one that is worth voting for.

Mr. MARKEY. Mr. Speaker, I have no remaining speakers on my side, so I would urge a ''no'' vote on this bill.

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

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume just to say this, and I will be very brief. The National Automobile Dealers support this bill; the American Association of Motor Vehicle Administrators, and a wide array of associations, industries, and law enforcement groups all support this bill.

Yes, I would like to have a national standard, but because of the Supreme Court Brady decision, we could not do that. I would also like to point out, there were some statements made today that perhaps 1839 would overrule existing State safety inspections. That is not the case. Mr. Speaker, 1839 specifically leaves intact existing State safety inspections of rebuilt and salvage vehicles. Mr. Speaker, I urge the adoption of the legislation.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act of 1997. The bill would remedy a situation where salvage vehicles that have been rebuilt are sold as undamaged used cars. This fraud occurs at the expense of $4 billion to consumers and business people each year.

Currently, there is no uniformity in how States define and report whether a vehicle has been damaged and if the level of damage warrants the vehicle to be deemed salvage. Some States require that this information appear on vehicle titles. However, even the States that require this disclosure record the information differently on vehicle titles. These discrepancies leave the door open for consumers to be defrauded. With each State having different guidelines, a car may be considered junked in one State and yet could cross State lines and obtain a clear title in another State. This problem becomes an issue of consumer rights. Car owners and the auto dealers who sell the cars have the right to know the history of their cars, and the rest of the public has the right to know that cars on the road are safe.

Under H.R. 1839, States involved in uniform titling and registering of salvage, rebuilt salvage and nonrepairable vehicles would have access to a Federal computer system that would assist in locating information about vehicle documents issued by other States. In an age when we attempt to track vehicles on Mars, why wouldn't we track our vehicles from one State to the next under a uniform system of titling procedures and definitions? It makes sense to use technology to guard consumers against theft and fraud of automobiles.

This legislation would set a definition of salvage vehicle to mean any damage that exceeds 80 percent of the retail value on a car up to 7 years old or newer. Once a car is designated as such, the car owner must get a salvage title. This sets the wheels in motion to ensure that a salvaged vehicle in North Dakota is a salvaged vehicle in New Mexico.

You may hear the argument that States aren't able to set their own guidelines under this bill. As a former State insurance commissioner, I firmly believe in States rights and the need for States to tailor laws for their respective residents. But this is a case where uniformity across State lines improves the overall safety of people in communities across the country.

The Motor Vehicle Titling, Registration and Salvage Advisory Committee, known simply as the Salvage Committee, that was formed as a result of the Anti-Car Theft Act of 1992 recommended many of the provisions of H.R. 1839. These provisions result in better information for consumers and dealers, and increased safety for the general public. With that in mind, I urge the Members to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 1839, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1997

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1836) to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1836

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Health Care Protection Act of 1997''.

SEC. 2. DEBARMENT AND OTHER SANCTIONS.

(a) AMENDMENTS.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''and'' at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) the term 'should know' means that a person, with respect to information, acts in deliberate ignorance of, or in reckless disregard of, the truth or falsity of the information, and no proof of specific intent to defraud is required;''; and

(B) in paragraph (2)(A), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(2) in subsection (b)—

(A) by striking ''The Office of Personnel Management may bar'' and inserting ''The Office of Personnel Management shall bar''; and

(B) by amending paragraph (5) to read as follows:

''(5) Any provider that is currently debarred, suspended, or otherwise excluded from any procurement or nonprocurement activity (within the meaning of section 2455 of the Federal Acquisition Streamlining Act of 1994).'';

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

''(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

''(1) Any provider—

''(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

''(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

''(2) Any provider that is an entity directly or indirectly owned, or with a control interest of 5 percent or more held, by an individual who has been convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been debarred from participation under this chapter.

''(3) Any individual who directly or indirectly owns or has a control interest in a sanctioned entity and who knows or should know of the action constituting the basis for the entity's conviction of any offense described in subsection (b), assessment with a civil monetary penalty under subsection (d), or debarment from participation under this chapter.

''(4) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charge for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

''(5) Any provider that the Office determines has committed acts described in subsection (d).

Any determination under paragraph (4) relating to whether a charge for health care services or supplies is substantially in excess of the needs of the covered individual shall be made by trained reviewers based on written medical protocols developed by physicians. In the event such a determination cannot be made based on such protocols, a physician in an appropriate specialty shall be consulted.'';

(4) in subsection (d) (as so redesignated by paragraph (3)) by amending paragraph (1) to read as follows:

''(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

''(A) an item or service not provided as claimed,

''(B) charges in violation of applicable charge limitations under section 8904(b), or

''(C) an item or service furnished during a period in which the provider was debarred from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);'';

(5) in subsection (f) (as so redesignated by paragraph (3)) by inserting after ''under this section'' the first place it appears the following: ''(where such debarment is not mandatory)'';

(6) in subsection (g) (as so redesignated by paragraph (3))—

(A) by striking ''(g)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is debarred from participation may request a hearing in accordance with subsection (h)(1).

''(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(5) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).'';

(B) in paragraph (3)—

(i) by inserting ''of debarment'' after ''notice''; and

(ii) by adding at the end the following: ''In the case of a debarment under paragraph (1), (2), (3), or (4) of subsection (b), the minimum period of debarment shall not be less than 3 years, except as provided in paragraph (4)(B)(ii).'';

(C) in paragraph (4)(B)(i)(I) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)''; and

(D) by striking paragraph (6);

(7) in subsection (h) (as so redesignated by paragraph (3)) by striking ''(h)(1)'' and all that follows through the end of paragraph (2) and inserting the following:

''(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection shall be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

''(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his or her principal place of business by filing a notice of appeal in such court within 60 days after the date the decision is issued, and by simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the case for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion.''; and

(8) in subsection (i) (as so redesignated by paragraph (3))—

(A) by striking ''subsection (c)'' and inserting ''subsection (d)''; and

(B) by adding at the end the following: ''The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2), (3), and (5) of section 8902a(c) of title 5, United States Code, as amended by subsection (a)(3), shall apply only to the extent that the misconduct which is the basis for debarment under such paragraph (2), (3), or (5), as applicable, occurs after the date of the enactment of this Act.

(B) Paragraph (1)(B) of section 8902a(d) of title 5, United States Code, as amended by subsection (a)(4), shall apply only with respect to charges which violate section 8904(b) of such title for items or services furnished after the date of the enactment of this Act.

(C) Paragraph (3) of section 8902a(g) of title 5, United States Code, as amended by subsection (a)(6)(B), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 3. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking ''organization;'' and inserting ''organization and an association of organizations or other entities described in this paragraph sponsoring a health benefits plan;''.

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking ''plan,'' and inserting ''plan, which may be underwritten by participating affiliates licensed in any number of States,''.

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking ''(m)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.''.

SEC. 4. CONTINUED HEALTH INSURANCE COVERAGE FOR CERTAIN INDIVIDUALS.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of chapter 89 of title 5, United States Code, any period of enrollment—

(1) in a health benefits plan administered by the Federal Deposit Insurance Corporation before the termination of such plan on January 3, 1998, or

(2) subject to subsection (c), in a health benefits plan (not under chapter 89 of such title) with respect to which the eligibility of any employees or retired employees of the Board of Governors of the Federal Reserve System terminates on January 3, 1998,

shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—(1) Subject to subsection (c), any individual who, on January 3, 1998, is enrolled in a health benefits plan described in subsection (a)(1) or (2) may enroll in an approved health benefits plan under chapter 89 of title 5, United States Code, either as an individual or for self and family, if, after taking into account the provisions of subsection (a), such individual—

(A) meets the requirements of such chapter for eligibility to become so enrolled as an employee, annuitant, or former spouse (within the meaning of such chapter); or

(B) would meet those requirements if, to the extent such requirements involve either retirement system under such title 5, such

individual satisfies similar requirements or provisions of the Retirement Plan for Employees of the Federal Reserve System.

Any determination under subparagraph (B) shall be made under guidelines which the Office of Personnel Management shall establish in consultation with the Board of Governors of the Federal Reserve System.

(2) Subject to subsection (c), any individual who, on January 3, 1998, is entitled to continued coverage under a health benefits plan described in subsection (a)(1) or (2) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, but only for the same remaining period as would have been allowable under the health benefits plan in which such individual was enrolled on January 3, 1998, if—

(A) such individual had remained enrolled in such plan; and

(B) such plan did not terminate, or the eligibility of such individual with respect to such plan did not terminate, as described in subsection (a).

(3) Subject to subsection (c), any individual (other than an individual under paragraph (2)) who, on January 3, 1998, is covered under a health benefits plan described in subsection (a)(1) or (2) as an unmarried dependent child, but who does not then qualify for coverage under chapter 89 of title 5, United States Code, as a family member (within the meaning of such chapter) shall be deemed to be entitled to continued coverage under section 8905a of such title, to the same extent and in the same manner as if such individual had, on January 3, 1998, ceased to meet the requirements for being considered an unmarried dependent child of an enrollee under such chapter.

(4) Coverage under chapter 89 of title 5, United States Code, pursuant to an enrollment under this section shall become effective on January 4, 1998.

(c) ELIGIBILITY FOR FEHBP LIMITED TO INDIVIDUALS LOSING ELIGIBILITY UNDER FORMER HEALTH PLAN.—Nothing in subsection (a)(2) or any paragraph of subsection (b) (to the extent such paragraph relates to the plan described in subsection (a)(2)) shall be considered to apply with respect to any individual whose eligibility for coverage under such plan does not involuntarily terminate on January 3, 1998.

(d) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System shall transfer to the Employees Health Benefits Fund under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of such title.

(e) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

SEC. 5. FULL DISCLOSURE IN HEALTH PLAN CONTRACTS.

The Office of Personnel Management shall encourage carriers offering health benefits plans described by section 8903 or section 8903a of title 5, United States Code, with respect to contractual arrangements made by such carriers with any person for purposes of obtaining discounts from providers for health care services or supplies furnished to individuals enrolled in such plan, to seek assurance that the conditions for such discounts are fully disclosed to the providers who grant them.

SEC. 6. PROVISIONS RELATING TO CERTAIN PLANS THAT HAVE DISCONTINUED THEIR PARTICIPATION IN FEHBP.

(a) AUTHORITY TO READMIT.—

(1) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903a the following:

''§ 8903b. Authority to readmit an employee organization plan

''(a) In the event that a plan described by section 8903(3) or 8903a is discontinued under this chapter (other than in the circumstance described in section 8909(d)), that discontinuation shall be disregarded, for purposes of any determination as to that plan's eligibility to be considered an approved plan under this chapter, but only for purposes of any contract year later than the third contract year beginning after such plan is so discontinued.

''(b) A contract for a plan approved under this section shall require the carrier—

''(1) to demonstrate experience in service delivery within a managed care system (including provider networks) throughout the United States; and

''(2) if the carrier involved would not otherwise be subject to the requirement set forth in section 8903a(c)(1), to satisfy such requirement.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903a the following:

''8903b. Authority to readmit an employee organization plan.''.

(3) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by this subsection shall apply as of the date of enactment of this Act, including with respect to any plan which has been discontinued as of such date.

(B) TRANSITION RULE.—For purposes of applying section 8903b(a) of title 5, United States Code (as amended by this subsection) with respect to any plan seeking to be readmitted for purposes of any contract year beginning before January 1, 2000, such section shall be applied by substituting ''second contract year'' for ''third contract year''.

(b) TREATMENT OF THE CONTINGENCY RESERVE OF A DISCONTINUED PLAN.—

(1) IN GENERAL.—Subsection (e) of section 8909 of title 5, United States Code, is amended by striking ''(e)'' and inserting ''(e)(1)'' and by adding at the end the following:

''(2) Any crediting required under paragraph (1) pursuant to the discontinuation of any plan under this chapter shall be completed by the end of the second contract year beginning after such plan is so discontinued.

''(3) The Office shall prescribe regulations in accordance with which this subsection shall be applied in the case of any plan which is discontinued before being credited with the full amount to which it would otherwise be entitled based on the discontinuation of any other plan.''.

(2) TRANSITION RULE.—In the case of any amounts remaining as of the date of enactment of this Act in the contingency reserve of a discontinued plan, such amounts shall be disposed of in accordance with section 8909(e) of title 5, United States Code, as amended by this subsection, by—

(A) the deadline set forth in section 8909(e) of such title (as so amended); or

(B) if later, the end of the 6-month period beginning on such date of enactment.

SEC. 7. MAXIMUM PHYSICIANS COMPARABILITY ALLOWANCE PAYABLE.

(a) IN GENERAL.—Paragraph (2) of section 5948(a) of title 5, United States Code, is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) AUTHORITY TO MODIFY EXISTING AGREEMENTS.—

(1) IN GENERAL.—Any service agreement under section 5948 of title 5, United States Code, which is in effect on the date of enactment of this Act may, with respect to any period of service remaining in such agreement, be modified based on the amendment made by subsection (a).

(2) LIMITATION.—A modification taking effect under this subsection in any year shall not cause an allowance to be increased to a rate which, if applied throughout such year, would cause the limitation under section 5948(a)(2) of such title (as amended by this section), or any other applicable limitation, to be exceeded.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to authorize additional or supplemental appropriations for the fiscal year in which occurs the date of enactment of this Act.

SEC. 8. CLARIFICATION RELATING TO SECTION 8902(k).

Section 8902(k) of title 5, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) Nothing in this subsection shall be considered to preclude a health benefits plan from providing direct access or direct payment or reimbursement to a provider in a health care practice or profession other than a practice or profession listed in paragraph (1), if such provider is licensed or certified as such under Federal or State law.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Speaker, the Federal Government Employees Health Care Protection Act of 1997, H.R. 1836, makes some very significant improvements in the Federal Employees Health Benefit Program. It was introduced by the distinguished chairman of the full Committee on Government Reform and Oversight, the gentleman from Indiana [Mr. BURTON], in order to protect the integrity of the Federal Employees Health Benefit Program.

This is truly a bipartisan piece of legislation. The Office of Personnel Management, which administers this health benefits program, asked for many of the specific changes this bill proposes and suggested much of the language incorporated in this measure.

Additionally, some provisions in this bill are substantially similar to those in a bill which was introduced by the distinguished gentleman from Maryland, [Mr. CUMMINGS], who is the ranking member of our Subcommittee on Civil Service. I want to take this opportunity to commend the gentleman

from Indiana [Mr. BURTON] for his leadership on this important piece of legislation and these issues, and thank the gentleman from Maryland [Mr. CUMMINGS] for his leadership and for his close cooperation on this particular piece of legislation.

Mr. Speaker, almost 9 million Federal employees, postal workers, retirees, and their families depend on the Federal Employee Health Benefit Program. They rely on this program to obtain high quality health care at affordable prices. For the most part, the program has been a great success story. It is widely considered to be a model employer-sponsored health care plan, and many have suggested that its model should be copied so others in need of coverage could have access to a similar program.

Key to the success is in fact the market orientation of the program. It provides Federal employees and retirees with the opportunity to choose from among numerous competing health care plans. Consumer choice and competition have kept premiums in check.

To keep the cost of health care affordable for our Federal employees, retirees, and other dependents, Mr. Speaker, it is important to protect their health benefits from those few unscrupulous health care providers that attempt to defraud the system or engage in other improper practices.

H.R. 1836 strengthens the Office of Personnel Management's ability to debar health care providers who commit such misconduct, and it also allows OPM to impose civil monetary penalties.

Fraudulent and abusive practices drive up the costs of our health care. Under this bill, OPM will better be able to protect the taxpayers and Federal health care consumers by acting swiftly against unethical providers.

This bill also contains other provisions that are very important, Mr. Speaker. For the first time, this bill establishes rules under which employee organizations-sponsored health care plans may reenter the Federal Employee Health Benefit Program after previously discontinuing their participation. It also requires the Office of Personnel Management to distribute the reserves of such plans that withdraw from the FEHB to plans that remain in the program.

Another feature of this legislation makes clear that the FEHB contracts preempt State and local laws. This is a necessary provision which will permit nationwide plans in the program to provide uniform benefits throughout our country.

Another important problem this bill addresses is the use of so-called silent PPOs. Mr. Speaker, PPOs, preferred provider organizations, negotiate lower rates from medical care providers. In exchange, the PPOs provide certain incentives to the providers. Directed PPOs promise to direct patients to the provider. Nondirected PPOs may promise financial incentives such as prepayment or prompt payment. Both directed PPOs and nondirected PPOs are in fact legitimate business arrangements, but silent PPOs are not. Silent PPOs arrange for carriers to pay discounted rates when they are not, in fact, entitled to them. They violate the terms of the discounted rate arrangements the providers have entered into with networks or carriers. Unfortunately, many people believe the Office of Personnel Management has tacitly encouraged the use of silent PPOs in a shortsighted effort to obtain lower rates from providers under any circumstances.

Hospitals and doctors are the first victims of silent PPOs, but in the end, the practice in fact drives up health care costs for all consumers, just as shoplifters drive up the cost of retail purchases for everyone.

Everyone agrees, Mr. Speaker, that full disclosure is the answer to this problem. This legislation, H.R. 1836, requires OPM to encourage carriers who enter into discount arrangements with third parties to seek assurances that the third party has fully disclosed the terms of the discount to the health care provider. This solution protects the sanctity of contracts and the integrity of the FEHB program without hindering legitimate PPOs, whether they are directed or nondirected.

Finally, Mr. Speaker, this bill permits certain employees and retirees from the Fed and also the FDIC to participate in our Federal Employees Health Benefit Program. Unless both Houses of Congress pass this bill during this session, some employees at these agencies will not be able to participate in the government's health care benefit program next year. These agencies in fact will be forced to find more costly alternatives to cover those employees.

I urge all Members to support this bill and the many improvements it offers us and our Federal employees today.

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

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

Mr. Speaker, I first of all want to take a moment to compliment the gentleman from Florida [Mr. MICA], the subcommittee chairman, who has worked very closely with this side of the aisle to make sure that we came up with a very, very good bill. I would also like to take a moment to recognize the ranking member of our full committee, Mr. WAXMAN, and to recognize the gentleman from Indiana, Mr. BURTON, our chairman, for this excellent piece of legislation. Furthermore, I would like to recognize two of our Members on our side, the gentlewoman from Washington, DC [Ms. NORTON] and the gentleman from Tennessee (Mr. FORD), who have worked very, very hard, and of course the gentlewoman from Maryland [Mrs. MORELLA], my colleague, who has played a very significant role with this legislation. I want to thank all of my colleagues for what we have been able to do together to make life a little bit easier for our Federal employees.

Mr. Speaker, H.R. 1836, the Federal Employees Health Care Protection Act of 1997, is a good bill that has won strong bipartisan support. It has at its core a provision that would enable the Office of Personnel Management to effectively use administrative sanctions to protect our health care program from fraud and abuse perpetrated by unscrupulous health care providers.

The enactment of this particular reform was requested by OPM earlier this year. I support it, and in fact, introduced a narrow bill to achieve the same result. H.R. 1836, however, contains some additional provisions that would improve the administration of the Federal Employees Health Benefits Program. I will highlight just a few of them.

The bill contains a provision that would strengthen the current preemption statute in title V so as to ensure that FEHB's programs and national plans can continue to provide uniform benefits and rates to enrollees regardless of where they live.

Another provision would permit active and retired employees of the Federal Deposit Insurance Corporation and the Federal Reserve System to enter the FEHB Program. This will save both agencies several millions of dollars in future premium costs.

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This bill also requires OPM to encourage participating health plans that contract with third parties to obtain discounted rates from health care providers to seek assurances that the conditions surrounding those discounts have been fully disclosed.

This proposal had proven to be somewhat controversial. I am pleased to say, however, that the majority worked cooperatively with our side and with the Office of Personnel Management to reach agreement on the language in the bill.

Finally, H.R. 1836 clarifies a provision of an existing law concerning direct access and reimbursement to health care providers in the program. The inclusion of that provision had also stirred some controversy; however, a compromise was reached on it as well.

Mr. Speaker, I believe that H.R. 1836 makes important and needed improvements in the Federal Employees Health Benefits Program. I urge all Members to give their support to this very, very significant piece of legislation. Again, I thank the subcommittee chairman for his cooperation.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON], the chairman of our full Committee on Government Reform and Oversight.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, earlier this year I introduced H.R. 1836, the Federal Employees Health Protection Act of 1997, to protect Federal employees and taxpayers by helping to reduce fraud in the Federal Employees Health Benefit Program. This bill will help strengthen the integrity and the standards of the FEHBP and continue its reputation as one of the strongest, most cost-effective and comprehensive programs in the United States.

I want to commend the chairman of the Subcommittee on Civil Service, the gentleman from Florida [Mr. MICA], for his diligence in getting this bill before the Committee on Government Reform and Oversight for consideration. Last week the full committee unanimously approved H.R. 1836.

This is a pro-Federal employee bill and is supported by all Members of the Congress from the D.C. metropolitan area. H.R. 1836 is a noncontroversial, bipartisan bill cosponsored by the ranking minority member of the Subcommittee on Civil Service, the gentleman from Maryland, Mr. CUMMINGS, and the ranking minority member of the full committee, the gentleman from California, Mr. HENRY WAXMAN.

H.R. 1836 is supported by the major hospital and health care associations, the National Association of Postmasters, the National Treasury Employees Union, the National Association of Retired Federal Employees, the Federal Managers Association, a number of health benefit carriers, the Federal Deposit Insurance Corporation, and the Federal Reserve. In fact, the only opposition to this bill is likely to come from health care providers and brokers who engage in unethical business practices.

The FEHB Program is the largest employer-sponsored health system in this country. It insures approximately 9 million Federal employees, annuitants, and their dependents at a cost of $16 billion a year. It is often cited as the model health care program that the private sector and public sector should attempt to replicate.

Through private sector competition with limited governmental intervention, this program has effectively and efficiently contained costs and continued to provide quality health care. The benefits have been very well explained by the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS], so I will not go into all those, but I would like to say that I urge support of all of my colleagues for this pro-Federal employee legislation.

Through the changes included in this bill, the integrity and the standards of the FEHB Program will be strengthened and protected. It is also my sincere hope that once this legislation is approved by the full House of Representatives, the Senate will move expeditiously and pass this very important bill.

I urge all of my colleagues to support this legislation that will help reduce fraud in the Federal Employees Health Benefit Program. Once again, congratulations on a job well done to the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS].

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA], another distinguished member of the Committee on Government Reform and Oversight.

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

Mr. Speaker, I rise in strong support of H.R. 1836, the Federal Employees Health Care Protection Act of 1997. Again, I offer my thanks to the gentleman from Indiana [Chairman BURTON] and the Subcommittee on Civil Service Chair, the gentleman from Florida [Mr. MICA] for working with me and the other Members to fine-tune this legislation as it moves through committee. My commendation also to the ranking member, the gentleman from Maryland [Mr. CUMMINGS], my colleague. As he mentioned, this legislation has bipartisan support.

Mr. Speaker, FEHBP is an outstanding program. But even among the best programs there is always room for improvement. The FEHBP is critically important to my constituents. Every year I hold a symposium for Federal employees and retirees in my district. The turnout is enormously high. The comments about FEHBP are generally very positive. FEHBP is the country's largest employer-based health insurance program, serving the health care needs of almost 10 million Federal employees, retirees and their families. In fact, when Congress considered health care reform in 1994, FEHBP was touted as a model.

FEHBP enjoys high customer satisfaction. Over 85 percent of participants in fee-for-service plans and HMO's are satisfied with their FEHBP plan. It is critical that we ensure that its success continues.

One important way Congress has ensured the continued success of FEHBP was by adopting an amendment that I offered to the budget reconciliation bill to prevent an annual increase of $276 per person in the program beginning in 1999. The new formula I offered as an amendment is derived from taking a weighted average of all the plans and setting the maximum Government contribution at 72 percent. It will ensure that Federal employees' premiums do not rise. Thus, the Government's share and the employees' share will remain the same.

The legislation before us is another opportunity to improve FEHBP. This legislation attacks fraud and abuse in the FEHB Program. It provides OPM with better tools to swiftly penalize fraudulent health care providers. The legislation will also enable OPM to bar fraudulent providers from FEHBP participation and impose monetary penalties on providers who engage in misconduct.

I want to, again, thank the gentleman from Florida [Chairman MICA] and the ranking member, the gentleman from Maryland [Mr. CUMMINGS], for their leadership on this issue.

H.R. 1836 extends FEHBP to the Federal Deposit Insurance Corporation and Federal Reserve Board employees. Without this legislation, the FDIC and the FED will be forced to establish a non-FEHB plan, costing both these agencies and the taxpayers a considerable amount of money and imposing unnecessary administrative burdens on the FDIC and FED. As the calendar year comes to a close, it is critical we move this legislation quickly.

The legislation also contains important language in section 5 concerning the disclosure of silent PPO's. While I opposed section 5 as it was originally drafted, I am pleased with the language that is in this legislation and the report language which will not restrict the competitive relationship between directed and nondirected PPO's.

There is a clear distinction between silent PPO's and the legitimate directed and non-directed PPO's. This section will not prohibit OPM from continuing to encourage FEHBP carriers to seek out the lowest prices possible for goods and services. Millions of dollars each year in savings accrue to Federal employees and the Government through the use of various savings initiatives, including both directed and nondirected PPO efforts. I am pleased that this legislation will not impede this activity.

Today I want to thank both the gentleman from Florida [Mr. MICA] and the gentleman from Indiana [Mr. BURTON] for ensuring that we move forward in a positive direction without increasing the costs to FEHBP that would have been borne jointly by the Federal Government and Federal employees.

Section 7 of H.R. 1836 was added by an amendment that I offered to the bill in subcommittee to increase the physician's comparability allowance, a critically important tool used to recruit and retain Federal physicians. I recently commissioned a GAO study to review the PCA and its usefulness. This September 1997 GAO report confirms that PCA is critical. Since I requested the GAO study, I have heard from hundreds of Federal physicians across the country who have stated very clearly that, without the PCA, they would have chosen a different career. This section would increase the PCA from $20,000 to $30,000, and it has not been increased for 10 years.

The increase, however, would not result in an increase in appropriations. It simply allows agencies to pay an additional PCA from their own budgets based on their recruitment and retention needs. According to the Office of Personnel Management, the PCA constitutes a declining percentage of income.

I had also hoped to include a provision of legislation that I introduced to H.R. 2541 that would include a physician's PCA in his or her average pay in order to compute retirement. I understand Chairman MICA'S cost concerns, and I have requested a CBO score so we can move this piece forward at a later date.

The over 2,700 Federal physicians eligible for the PCA are working on cures for HIV/AIDS, cancer, heart disease, protecting the safety of food and drugs, providing medical care to Defense and State Department employees and dependents, airline pilots, astronauts, Native Americans, Federal prisoners. Indeed, it is critically important that we have this PCA in this particular bill.

Again, I want to thank the chairman of the subcommittee and ranking member, and the chairman of the full committee and ranking member of the full committee. This is good legislation.

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

Mr. Speaker, I just wanted to close by saying, again, that this is a very excellent piece of legislation. I would recommend that all the Members of this great House vote in favor of it.

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

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Federal Employees Health Care Protection Act of 1997 deserves the support of every Member. This bill provides the Office of Personnel Management the tools to deal swiftly with health care providers who defraud the program or who engage in similar misconduct.

The bill protects the integrity of the FEHBP in other ways as well. First, it makes it abundantly clear that carriers and preferred provider networks are expected to live up to the terms of their agreements with doctors and hospitals. Also, it establishes rules for the reentry into plans that have been discontinued as far as participation in the program. Finally, it levels the playing field for certain health care providers by clarifying that carriers may provide direct access and direct payment to those providers, even though they are not named in the relevant statute.

Very finally, in closing, Mr. Speaker, a provision of this bill improves the Federal Government's ability to compete for highly qualified doctors by raising the maximum physician comparability allowance.

I want to take this final moment to thank the gentleman from Indiana, Chairman BURTON, for his introduction of the legislation, the gentleman from Maryland [Mr. CUMMINGS], the ranking member, and the gentlewoman who worked so hard on behalf of our civil servants, the gentlewoman from Maryland [Mrs. MORELLA], and Members and staff who have helped put this bill together.

This is a good bill, Mr. Speaker. I urge all Members to support this legislation.

Mr. SOUDER. Mr. Speaker, I wish to congratulate you on this important bipartisan legislation to protect the Federal Employees Health Benefits Program [FEHBP] from fraud. I strongly support this legislation, which protects taxpayers from the misuse of their tax dollars.

One provision that is particularly meritorious is section 5 of the bill, which attempts to limit the growth of a group of health care brokers, known as silent preferred providers organizations, or silent PPO's. Through silent PPO's payors are obtaining preferred-provider discounts without physician, hospital, or other health system providers' knowledge or consent. These silent PPO's undermine legitimate PPO's by causing health care providers to question the utility of entering into legitimate contracts with health benefit carriers if fraudulent discounts are taken elsewhere. This fraudulent discounting is particularly insidious because it's so hard to track. Unfortunately, the Federal Government, through the Office of Personnel Management [OPM], has encouraged the use of these silent PPO's in the FEHBP.

Mr. Speaker, I believe the compromise language included in the Chairman's mark, which was proposed by the Office of Personnel Management, represents a substantial change in the administration's attitude toward silent PPO's. As I indicated OPM had previously encouraged the proliferation of these brokers of health care discounts. I commend the administration for recognizing the error of its ways and now moving to eliminate silent PPO's in the program.

Mr. Speaker, I again commend you for raising this issue by including section 5 in your legislation, and while the provision has been altered I believe the new language, which garnered the support of the administration, is a direct reflection of your leadership on this issue. It is only through your commitment to eliminating the fraudulent use of discounts that we are here today with a bipartisan bill that will substantially benefit all Federal employees and taxpayers.

It has been brought to my attention that the inspector general [IG] at OPM is investigating the activities of these silent PPO's, and I urge that this Committee should work with the IG to keep a close eye on these health care discounting practices. Furthermore, States are beginning to examine the activities of silent PPO's and North Carolina has recently passed legislation designating such discounting activities as unfair trade practices thereby subjecting violators to treble damages and attorney fees.

I urge support for H.R. 1836.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 1836, and I want to compliment Mr. BURTON, the chairman of the Government Reform and Oversight Committee, for his sponsorship of this important bill. I had expressed concern regarding the original language in section 5 of this bill and I commend both Mr. MICA, chairman of the Civil Service Subcommittee, and Mr. BURTON for ensuring through redrafting that the concerns about potential increased costs to the Federal Employees Health Benefits Program [FEHBP] were addressed. The redrafting of section 5 allows the FEHBP to continue to benefit from the flexibility of being able to adapt quickly to ever-changing health care marketplace dynamics. This flexibility has been an enduring strength of the FEHBP and I am pleased to see that it will not be adversely impacted.

Mr. Speaker, section 5 of H.R. 1836 focuses on the use of silent PPO's in the FEHBP and is intended to address the inappropriate use of such discounts and, in so doing, protect plan enrollees and taxpayers in a manner consistent with the other provisions in the Federal Employees Health Care Protection Act of 1997. There is no clear distinction between silent PPO's and legitimate directed and nondirected PPO's. Directed and nondirected PPO's provide legitimate valuable benefits to health care providers, carriers, and patients. Nondirected PPO's are currently saving the Government and the FEHBP millions of dollars a year through their legitimate utilization of a number of fee-for-service carriers. Examples of nondirected discounts are those given by participating providers in return for incentives other than steerage, such as prompt payment, prepayment, claim audit assistance, and negotiated provider settlements.

Many of us believed that the original language of section 5 would increase costs to the FEHBP by placing nondirected PPO's at a market disadvantage which would have killed the savings they generate for the FEHBP. The Congressional Budget Office [CBO] agreed and scored the original language at a cost to the FEHBP of $10 to $50 million per year. CBO's initial estimates regarding the rewrite of section 5 is that it should now be neutral. I appreciate the efforts of Mr. MICA and Mr. BURTON to redraft this section so that it accomplishes their stated goal of shedding light on silent PPO's without adversely impacting the program savings direct and nondirect PPO's have been generating for many years now.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. DELAY. Mr. Speaker, I rise today in support of H.R. 1836, the Federal Employee Health Care Protection Act of 1997. I want to commend the chairman of the Civil Service Subcommittee, Mr. MICA, and the chairman of the Government Reform and Oversight Committee, Mr. BURTON, for all of their efforts to bring this bill before the House today.

Virtually everyone agrees that vigorous competition among providers and carriers has been critical to the success of the Federal Employees Health Benefit Program. While Congress has provided the Office of Personnel Management with the broad authority to referee this competition, we have wisely chosen to allow the marketplace to sort out many related issues.

I was initially concerned that the original language in section 5 of the bill would have veered away from our reliance on the marketplace by imposing an unnecessary Federal mandate. This mandate would have unfairly tilted the playing field between directed and nondirected PPO's and resulted in significantly higher costs for the FEHBP.

I am pleased that section 5 has now been rewritten so that OPM may continue to allow FEHBP carriers to seek out appropriate provider discounts in a competitive marketplace.

I appreciate the efforts of Mr. MICA and Mr. BURTON to redraft section 5 so that it accomplishes their stated goal of shedding light on silent PPO's without adversely impacting the program savings that both direct and nondirect PPO's have been able to achieve. I encourage my colleagues to support final passage of this bill.

The SPEAKER pro tempore [Mr. KINGSTON]. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1836, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1836, as amended.

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

There was no objection.

FEDERAL EMPLOYEES LIFE INSURANCE IMPROVEMENT ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2675

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Life Insurance Improvement Act''.

SEC. 2. REQUIREMENT THAT A LEGISLATIVE PROPOSAL BE SUBMITTED.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress proposed legislation under which there would be made available to Federal employees and annuitants the following:

(1) Group universal life insurance.

(2) Group variable universal life insurance.

(3) Additional voluntary accidental death and dismemberment insurance.

The proposal shall indicate whether any such insurance could be taken in addition to, in lieu of, or in combination with any insurance otherwise offered under chapter 87 of title 5, United States Code.

(b) DESCRIPTION OF POLICIES AND COSTS.—The proposed legislation shall be accompanied by a report which shall include a concise description of the policies proposed, an estimate of the cost to the Government anticipated with respect to each of those policies, and any other information which the Office of Personnel Management may consider appropriate.

SEC. 3. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

''(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

''(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

''(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

''(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

''(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

''(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

''(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A).''; and

(2) in the second sentence of subsection (d)(1) by inserting ''if insurance is continued as provided in subparagraph (A) of paragraph (3),'' after ''except that,''.

(b) TECHNICAL AMENDMENT.—The last sentence of section 8714b(d)(1) of title 5, United States Code, is amended by inserting ''(and any amounts withheld as provided in subsection (c)(3)(B))'' after ''Amounts so withheld''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of enactment of this Act and shall apply with respect to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

SEC. 4. IMPROVED OPTIONAL LIFE INSURANCE ON FAMILY MEMBERS.

(a) IN GENERAL.—Subsection (b) of section 8714c of title 5, United States Code, is amended to read as follows:

''(b) The optional life insurance on family members provided under this section shall be made available to each eligible employee who has elected coverage under this section, under conditions the Office shall prescribe, in multiples, at the employee's election, of 1, 2, 3, 4, or 5 times—

''(1) $5,000 for a spouse; and

''(2) $2,500 for each child described in section 8701(d).

An employee may reduce or stop coverage elected pursuant to this section at any time.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8714c of title 5, United States Code, is amended—

(1) in subsection (c)(2) by striking ''section 8714b(c)(2) of this title'' and inserting ''section 8714b(c)(2)–(4)''; and

(2) in subsection (d)(1) by inserting before the last sentence the following: ''Notwithstanding the preceding sentence, the full cost shall be continued after the calendar month in which the former employee becomes 65 years of age if, and for so long as, an election under this section corresponding to that described in section 8714b(c)(3)(B) remains in effect with respect to such former employee.''.

(c) EFFECTIVE DATE; OPEN ENROLLMENT PERIOD.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period which begins on or after the 180th day following the date of enactment of this Act or on any earlier date that the Office of Personnel Management may prescribe.

(2) OPEN ENROLLMENT PERIOD.—

(A) IN GENERAL.—Before the effective date under paragraph (1), the Office shall afford eligible employees a reasonable opportunity to elect to begin coverage under section 8714c of title 5, United States Code (as amended by this section), or to increase any existing optional life insurance on family members to any amount allowable under such section (as so amended), beginning on such effective date.

(B) DEFINITION OF AN ELIGIBLE EMPLOYEE.—For purposes of subparagraph (A), the term ''eligible employee'' means any employee (within the meaning of section 8701 of title 5, United States Code) covered by group life insurance under section 8704(a) of such title.

□ 1530

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS], each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Speaker, the bill before the House today, entitled the Federal Employees Life Insurance Improvement Act, is in fact a bipartisan effort. It incorporates the provisions of the bill which I originally introduced and amendments offered by the distinguished gentleman from Maryland [Mr. CUMMINGS], the ranking member of our Subcommittee on Civil Service.

I thank the gentleman from Maryland for his hard work on this legislation and also for his close cooperation on putting this legislation together.

The bill also addresses an issue first brought to our attention by the distinguished gentlewoman from Maryland [Mrs. MORELLA], and I also want to commend her for her interest and contributions to this bill.

Mr. Speaker, employer-provided benefit packages are in fact critical elements of employee compensation in our society today. If the Federal Government is to deliver the quality of services our overburdened taxpayers deserve, it must be competitive with the private sector to attract and to maintain a quality work force. Benefits must provide good value to Federal employees.

Mr. Speaker, earlier this year I held an oversight hearing on the Federal Employees Government Life Insurance

program. I called that hearing because I was concerned that the current program does not deliver the value Federal Government employees deserve. It has been in fact too many years since key parts of the life insurance program have been improved or in fact reviewed.

More importantly, Congress has not even looked at the fundamental structure of the program since 1954. For 43 years, Mr. Speaker, the program has been based on term life insurance. For the first time in 43 years, this bill would introduce a life insurance option other than term insurance for our Federal employees.

Many things have changed between 1954 and today, Mr. Speaker. Life insurance products are no exception. As usual, the private sector has led the way. The Federal Government must learn from the private sector. We must adopt benefit practices from the private sector that have adjusted to the dynamic, ever-shifting market environments.

At our hearing, the Subcommittee on Civil Service heard from interested private sector insurance experts. We also heard from Met Life, which has been the sole provider of life insurance under the program since 1954. All of these experts agreed that it is time for major improvements in the Federal Government's life insurance program. All of these experts agreed that, at the very least, Congress should increase coverages that are currently available. All of these experts agreed that Congress should consider providing a new option to employees, group universal life insurance.

In a nutshell, Mr. Speaker, group universal life is a very flexible plan that permits employees to accumulate cash benefits for use in later years for various family needs or for their retirement. It has been gaining popularity in the private sector because it offers these many advantages.

Insurance planning is important to many of our employees. Employees want and need to protect their families from financial hardship. Life insurance is an important component of that protection. My colleagues on the subcommittee agreed that our Federal employees in fact need more flexibility to tailor insurance coverage to their own needs. To better protect their families, Federal employees would be able to choose from options that are increasingly available to employees in the private sector such as group universal life.

This bill does just that. It directs the Office of Personnel Management to present to Congress legislation offering our Federal employees group universal life insurance, group variable life insurance, and additional voluntary accidental and dismemberment insurance policies. In addition, Mr. Speaker, this bill permits employees to increase insurance coverage of family members and to maintain more adequate levels of coverage on themselves throughout their retirement years.

Mr. Speaker, the hallmarks of this legislation are family protection, employee choice, and flexibility. Federal employees and their families will enjoy more options as they plan for their financial security. It is an important bill. It is important to our Federal employees. It is the first major improvement in life insurance benefits for our Federal employees in 16 years. It is the first time in 43 years that an alternative to term insurance is incorporated for the benefit of our Federal employees.

I urge all Members to support this legislation.

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

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

Mr. Speaker, I am very pleased that the gentleman from Florida, Mr. MICA, and I, along with all the other members of the Subcommittee on Civil Service were able to work together to develop this legislation which will implement some of the excellent recommendations we received from witnesses at our oversight hearing on the Federal Employees Group Life Insurance program, known as FEGLI. This bill will result in far better life insurance coverage being made available to Federal employees.

By directing OPM to provide us with draft legislative proposals for group universal life, group variable life, and accidental death and dismemberment insurance coverage within 6 months, our subcommittee will be in a far better position to act expeditiously should OPM's upcoming employee survey document that there is substantial interest in purchasing these options.

By giving enrollees the opportunity to continue the full extent of their life insurance coverage after they reach age 65, we will be providing a measure of comfort and convenience to many who would still have a desire to provide for the security of their loved ones. They will no longer have to seek out a new insurance company from which to purchase life insurance, something often very difficult and expensive to do at the late stage in life, at age 65.

I offered an amendment to H.R. 2675 during our subcommittee's markup of the bill which added a provision that would enable enrollees to purchase an increased amount of insurance coverage for their spouse and dependent children. Through the cooperation of Mr. MICA and all the Members on both sides of the aisle, we were able to successfully pass this amendment.

Clearly, the present levels of coverage available, $5,000 for one spouse and $2,500 for each child, is very inadequate. It neither compensates for the loss nor covers average burial expenses. The bill makes it possible to obtain coverage up to five times the current limits. The fact is that by doing what we have been able to do, I think it makes a very, very significant difference and it says to our Federal employees that we do care very much about them and their loved ones.

To the gentleman from Florida, I express my appreciation, and to all the members of the committee, because it is a fact that we did work together in a bipartisan manner, and if we can continue to do that throughout this House, I think that we will see a lot of great legislation coming forward such as this legislation.

Mr. Speaker, once again I believe that we have a good bipartisan bill before us. I strongly urge all Members to give their support. This is a very good piece of legislation. It does in fact lift up our Federal employees and make their lives better and the lives of their families. I urge all Members of the House to support this legislation.

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

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

The Federal Employees Life Insurance Improvement Act will provide valuable benefits to our Federal workers and their families. For the first time since 1954, Federal employees will have the opportunity to consider something other than term insurance as a plan for their family's financial future and security. They will be able to carry more insurance on themselves into retirement, I believe at very reasonable and competitive costs, and they will be able to increase the coverage for their dependents. This also will provide substantial benefits for our Federal retirees, who sometimes are lost without insurance coverage or see decreasing or diminishing value of their insurance coverage.

Finally, Mr. Speaker, I wish to thank both the Majority and Minority staff for their fine work on this legislation and for their efforts not only on this bill but also on the previous legislation which passed today.

I wish to also thank Members and staff for their work on the Subcommittee on Civil Service. In the 103d Congress, I might add, for the record, there were 54 staff that handled Civil Service issues in a number of subcommittees. We have operated with one subcommittee and seven professional staffers on both sides of the aisle total, and worked on numerous pieces of legislation, including the two presented here today and nearly all the appropriations measures and other legislation to come before the House.

I want to thank each of the staff members, members of my subcommittee, for their diligent participation and productive session as this may be the final bill we offer.

This legislation, in fact, Mr. Speaker, as I mentioned earlier, is bipartisan legislation. There is no controversy surrounding it. I urge all Members to support it.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 2675, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2675, as amended.

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

There was no objection.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 404) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes, as amended.

The Clerk read as follows:

H.R. 404

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

SECTION 1. AUTHORITY TO TRANSFER CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR FIRE AND RESCUE PURPOSES.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting ''that is'' after ''personal property''; and

(2) by inserting '', or that is or was part of a military installation that has been closed or realigned pursuant to a base closure law and that is determined by the Attorney General to be needed for use by the transferee or grantee for a law enforcement or fire and rescue purpose approved by the Attorney General'' before the first period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

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

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

Mr. Speaker, the Federal Government owns an enormous amount of property, including some property that it no longer needs. H.R. 404 simplifies the process by which State and local governments are permitted to receive surplus Federal property on military bases for the benefit of their law enforcement and fire and rescue functions.

In making this simplification, H.R. 404, authored by the gentleman from California [Mr. CALVERT], both contributes to important State and local government functions and eases an administrative burden on the Federal Government. In 1949, the Commission on Organization of the Executive Branch of the Government, known as the first Hoover commission, appointed by President Truman, recommended the creation of an agency, the General Services Administration, GSA, to coordinate purchases, utilization and disposal of real and personal property for the Federal Government.

The Federal Property and Administrative Services Act of 1949 set forth the rules for the disposal of surplus Federal real estate. Normally, when one agency no longer needs property, the General Services Administration screens the excess property to determine whether another Federal agency needs it. If not, the property is declared surplus.

The Federal Property Act created a series of public benefit discounts whereby local governments can obtain surplus Federal real estate for a price below market value, generally at no cost. The current categories of public benefit discounts for real property include public health, education, recreation, national service activities, historic monuments, correctional facilities, and shipping ports, only in the base closure facilities.

The bill before us creates a new public benefit discount by expanding the definition of public benefit discounts for ''correctional facilities'' to cover ''other law enforcement'' and ''fire and rescue'' activities.

On June 3, 1997, the Subcommittee on Government Management, Information and Technology, which I chair, held a hearing on H.R. 404. Officials from Riverside County, CA, testified that they wanted to place a coroner's office and a law enforcement and fire training academy on surplus Federal property at the March Air Force Base. That surplus property became available through the actions of the Defense Base Realignment and Closure Commission.

The county officials observed that to receive the land for these purposes, they would have to go through the application process with two Federal agencies, the Department of Education for the training academy and the Department of Health and Human Services for the coroner's office. With H.R. 404, the process would be consolidated. Both functions would fall under the expanded definition of correctional facilities and, therefore, would be handled by the Department of Justice.

On June 26, 1997, the Subcommittee on Government Management, Information and Technology marked up H.R. 404. The subcommittee considered an amendment in the nature of a substitute that made technical corrections to the bill as introduced and voted unanimously to forward the substitute version to the full Committee on Government Reform And Oversight.

The full committee voted unanimously to report H.R. 404 to the House on September 30. There was a minor amendment made to the bill after it was reported to the Committee on Government Reform and Oversight. This amendment limits the application of this authority to military facilities closed under the Base Realignment and Closure Act. The change was necessary in order to ensure that no Budget Act point of order lay against the bill.

The amendment will not substantially alter the effect of the bill because closed military bases constitute over 90 percent of surplus Federal real property.

In conclusion, Mr. Speaker, we should note that this bill is a step toward making the Federal Government more efficient in its own processes and also more responsive to local needs. I urge my colleagues to support it.

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

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

Mr. Speaker, I commend the gentleman from California [Mr. HORN] for bringing before the House this bill to amend the Federal Property and Administrative Services Act of 1949. The gentlewoman from New York [Mrs. MALONEY], the ranking Democrat on the Subcommittee on Government Management, Information and Technology, has been detained in her district and asked me to manage this bill, which I gladly do.

The Committee on Government Reform and Oversight has jurisdiction over the Federal Property Act. It has a long history of overseeing its proper implementation. Under the Federal Property Act, State and local governments may acquire real estate that the Federal Government no longer needs. The Federal Property Act currently allows such surplus Federal property to be transferred to State and local governments at discounts of up to 100 percent of fair market value for certain public benefit purposes.

Current public benefit discount uses include public health or educational uses, public parks or recreational areas, historic monuments, correctional institutions, port facilities, public airports and wildlife conservation.

The original version of H.R. 404 would have added to that list ''law enforcement or public safety purposes.'' Legitimate concern was expressed at our hearing on this legislation over the vagueness of the phrase ''public safety purposes.'' During our committee's consideration of the bill, this problem was corrected by submitting ''fire fighting and rescue purposes'' for ''public safety purposes.'' We also deleted an unnecessary retroactive provision. I support both of these changes.

The manager's amendment to H.R. 404 before us today also restricts the use of this new public benefit discount to property that was originally part of a military installation which has been closed or realigned under a base closure statute. This was done because of budgetary concerns with the bill as it passed committee.

I support H.R. 404, as amended. Law enforcement and fire and rescue purposes are legitimate reasons for State and local governments to acquire surplus Federal property at a discount. I also want to thank the majority for working with the minority to come up with a very, very good bill.

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

Mr. HORN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Long Beach, CA [Mr. HORN], my good friend and neighbor.

Mr. Speaker, I rise to ask my colleagues to support H.R. 404. We all know that the cost of crime prevented and a person diverted from a life of crime is much less than that of a prison cell. One of the keys to crime deterrence is a well-trained police force.

Due to the efforts of the Riverside Sheriff's Department in my district to do the right thing and emphasize police training over prison space, I discovered a Federal catch-22 that I believe we should quickly correct. When the Federal Government declares real property as surplus, various local entities may apply for the property at a no-cost basis if they use the property for some valid social purpose.

To obtain the excess Federal property, the local entity must apply to a Federal agency to sponsor the no-cost transfer. As would seem logical, agencies usually sponsor transfers in keeping with their charges. The Department of Education sponsors educational facilities. Housing and Urban Development sponsors housing. And Department of Justice sponsors prisons. Therein lies the problem.

Incredibly, the Department of Justice is prohibited by statute to sponsor law enforcement and/or fire and rescue training facilities. They can only sponsor the building of prisons. H.R. 404, as amended, would correct this quirk in the law and allow the Department of Justice to apply its considerable expertise to sponsor its excess property for training of law enforcement, fire and rescue officials.

Mr. Speaker, I would like to take a minute to thank the 60 cosponsors of this measure. I especially wanted to thank the gentleman from California [Mr. HORN] for his hard work and leadership in crafting this legislation and passing the measure out of committee. I wish to thank the gentlewoman from New York [Mrs. MALONEY] for her support. And I would also like to express my gratitude to the gentleman from California [Mr. BONO], who also shares the area of March Air Force Base and testified on the bill's behalf during subcommittee hearings. Finally, I wish to thank the gentleman from California [Mr. BROWN], the gentleman from California [Mr. LEWIS], the gentleman from Illinois [Mr. DAVIS)] and the gentleman from California [Mr. FAZIO] for their strong support.

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

Mr. Speaker, again, I just want to thank the gentleman from California [Mr. HORN] and I want to thank the gentleman from California [Mr. CALVERT] for their cooperation in bringing this very important piece of legislation before us. Once again, I think it is a very important piece of legislation in that it serves a very important public purpose, and the bipartisanship that was displayed in bringing this together is very, very important.

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

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

Mr. Speaker, we have no other witnesses. And I would simply say this in wrapping this up: We have had excellent cooperation from the Democratic staff and the Democratic Members, such as the gentleman from Maryland [Mr. CUMMINGS] today. The gentlewoman from New York [Mrs. MALONEY] has always been helpful on this, as well as many other bills.

So I would like to thank the Democratic staff, Mark Stephenson; the Democratic staff emeritus, Miles Romney, who we all look to for guidance and institutional memory over about 25 to 35 years; and the staff of the gentleman from California [Mr. CALVERT], Nelson Garcia, has been very helpful; and, of course, our own majority Republican staff Mark Brasher and the staff, who is the professional staff member assigned to surplus property, among many other duties, and Staff Director Russell George.

I would simply say this in summing up: I hope that the leadership of the General Services Administration, the Department of Justice—and anybody else that is involved as a result of this statute going on the books—will write those regulations as rapidly as possible. This surplus land has waited long enough for the obvious. And this is another move by Congress on a bipartisan basis to assure flexibility within the executive branch to meet the needs of people throughout America when they have base closure land and they want to put certain types of correctional law enforcement training facilities on that land and a coroner's office and laboratories, as it is in this case.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 404, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

CARSON AND SANTA FE NATIONAL FORESTS LAND CONVEYANCES

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, NM to the village of El Rito and the town of Jemez Springs, NM as amended.

The Clerk read as follows:

H.R. 434

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

SECTION 1. LAND CONVEYANCE, CARSON NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey through sale or exchange to the County of Rio Arriba for the benefit of the village of El Rito, New Mexico (in this section referred to as ''El Rito''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 5 acres located in the Carson National Forest in the State of New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Forest Service.

(c) LANDS ACQUIRED IN EXCHANGE FROM RIO ARRIBA COUNTY.—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands to be conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under subsection (a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the Federal lands exchanged. Value of any lands sold to the County of Rio Arriba shall be on the basis of fair market value as determined by the Secretary.

(e) DISPOSITION OF FUNDS.—Payments from a sale under subsection (a) or cash equalization payments may be made in equal installments for a period not to exceed 10 years. Any funds received by the Secretary through the sale or by cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be

available for expenditure, upon appropriation, for the acquisition of lands and interests in lands in the State of New Mexico.

(f) STATUS OF LANDS.—Upon approval and acceptance of title by the Secretary, any lands acquired by the United States pursuant to subsection (a) shall become part of the Carson National Forest and the boundaries of the National Forest shall be adjusted to encompass such lands. Such lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (36 Stat. 961), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System. This section shall not limit the Secretary's authority to adjust the boundaries of the Carson National Forest pursuant to section 11 of the Act of March 1, 1911 (''Weeks Act''). For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Carson National Forest, as adjusted by this Act, shall be considered to be boundaries of the Forest as of January 1, 1965.

SEC. 2. LAND CONVEYANCE, SANTA FE NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, through exchange, to the town of Jemez Springs, New Mexico (in this section referred to as ''Jemez Springs''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1 acre located in the Saint Fe National Forest in the State of New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Forest Service.

(c) LANDS ACQUIRED IN EXCHANGE FROM THE TOWN OF JEMEZ SPRINGS.—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands to be exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under section 1(a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the involved Federal lands exchanged.

(e) DISPOSITION OF FUNDS.—Payments for any cash equalization for the exchange under subsection (a) may be made in equal installments for a period of not to exceed 10 years. Any funds received by the Secretary through the cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be available for expenditure, upon appropriation, for the acquisition of lands and interests in lands in the State of New Mexico.

(f) STATUS OF LANDS.—Upon approval and acceptance of title by the Secretary, any lands acquired by the United States pursuant to subsection (a) shall become part of the Santa Fe National Forest and the boundaries of the National Forest shall be adjusted to encompass such lands. Such lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (36 Stat. 961), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System. This section does not limit the Secretary's authority to adjust the boundaries of the Carson National Forest pursuant to section 11 of the Act of March 1, 1911 (''Weeks Act''). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Santa Fe National Forest, as adjusted by this Act, shall be considered to be boundaries of the Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from America Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, H.R. 434, introduced by former Congressman Bill Richardson, the current Ambassador to the United Nations, would provide a land conveyance for the village of El Rito and Jemez Springs in New Mexico. Both of these towns have important needs that deserve the attention of the committee.

I support the desire of the gentleman from New Mexico [Mr. REDMOND] to see that El Rito receive land for a public cemetery and Jemez Springs to obtain one acre of land within the town in order to construct a much needed fire substation.

It is my understanding that in 1993 the Jemez National Recreation Area was carved out of the Santa Fe National Forest and this transformed Jemez Springs from an obscure little village located in the Santa Fe National Forest to a little community housing over 1 million visitors annually. Without much imagination, we can see how this would cause significant problems for any community.

The gentleman from New Mexico [Mr. REDMOND] has continued the fine labors of Mr. Richardson, who worked extensively with the Forest Service and local communities to fashion this solution. I commend the gentleman from New Mexico [Mr. REDMOND] and urge passage of this bill.

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

□ 1600

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, this bill was introduced by our former colleague, Congressman Bill Richardson, prior to his nomination as Ambassador to the United Nations. Serving on the Committee on Resources was no doubt good preparation for the many conflicts that he must now deal with around the world.

Mr. Speaker, at the hearing held on this bill in September of this year, the Forest Service expressed concerns about the conveyance without consideration of lands within the Carson National Forest and the Santa Fe National Forest in New Mexico. I am pleased to note that as amended by the committee, the bill provides that the Forest Service will receive fair market value in exchange for the properties which comprise a total of 6 acres. It is my understanding that the Forest Service now supports the bill as amended. I know of no objection on this side of the aisle. I urge my colleagues to support this measure.

Mr. REDMOND. Mr. Speaker, for bringing H.R. 434 to the floor today and thank you Mrs. CHENOWETH for offering the motion to suspend the rules and pass the bill. This bill was introduced on January 9, 1997, by my predecessor in the Third District of New Mexico, the Honorable Bill Richardson, current Ambassador to the United Nations.

When I was elected to Congress, I promised my constituents that I would do my best to move this legislation, as well as other bills that Mr. Richardson introduced on their behalf. I appreciate you working with me to accomplish this goal.

If passed, this bill would provide two simple land conveyances from the Santa Fe National Forest and the Carson National Forest to the cities of Jemez Springs and El Rito, respectively. These conveyances will amount to a total of six acres of land.

Jemez Springs will use their one-acre land conveyance to build a fire substation to accommodate the rapidly growing tourist population that is the result of a national recreation area created near their community. The city of El Rito will use its five-acre conveyance to expand a cemetery.

These two communities, along with the Forest Service and Mr. Richardson worked extensively to craft a piece of legislation that would provide El Rito and Jemez Springs with the land that they need to continue to provide adequate, efficient community service.

Several weeks ago, on behalf of the city of Jemez Springs, Mayor David Sanchez testified before the Forests and Forest Health Subcommittee. I want to thank him for taking the time and effort he took to appear before the committee.

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

Mrs. CHENOWETH. Mr. Speaker, I appreciate the fine comments from the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 434, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 434.

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

There was no objection.

EAGLES NEST WILDERNESS EXPANSION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 588) to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, CO, to include land known as the Slate Creek Addition.

The Clerk read as follows:

S. 588

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

SECTION 1. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(a) SLATE CREEK ADDITION.—If, before December 31, 2000, the United States acquires the parcel of land described in subsection (b)—

(1) on acquisition of the parcel, the parcel shall be included in and managed as part of the Eagles Nest Wilderness designated by Public Law 94–352 (16 U.S.C. 1132 note; 90 Stat. 870); and

(2) the boundary of Eagles Nest Wilderness is adjusted to reflect the inclusion of the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is the parcel generally depicted on a map entitled ''Slate Creek Addition-Eagles Nest Wilderness'', dated February 1997, comprising approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

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

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, S. 588 is a noncontroversial bill affecting Forest Service lands in the district of the gentleman from Colorado [Mr. MCINNIS] which passed the House earlier this year as H.R. 985. I want to thank the gentleman from Colorado [Mr. MCINNIS] and the gentleman from New York [Mr. HINCHEY], the subcommittee ranking member, for their cooperation with passage of this measure.

This bill provides that a 160-acre parcel at Slate Creek in Summit County, CO, will be added to the Eagles Nest Wilderness and administered as part of the wilderness area if the land is acquired by the United States within the next 4 years.

The Slate Creek parcel is proposed for acquisition by the United States in a land exchange; however, the current owners are unwilling to convey the land unless it is added to the Eagles Nest Wilderness and permanently managed as wilderness. Since the Slate Creek parcel is surrounded on three sides by the wilderness area, it only makes sense that it be made a part of the wilderness area if the land is acquired by the United States.

I urge support for this measure, which does really enjoy broad support of the Summit County Board of County Supervisors and Commissioners, the Summit County Open Space Advisory Council, the Wilderness Land Trust and other interested parties.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, on today's agenda we have four previously House-passed Colorado bills. Senate bill 588 expands the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest to include land known as the Slate Creek Addition. The House passed this bill in the form of H.R. 985 on June 17 of this year.

To their credit, the owners of this 160-acre parcel want assurances that their land will be protected as wilderness if acquired by the U.S. Forest Service. Accordingly, the bill provides that if the United States acquires the Slate Creek property prior to the year 2000, it will be included in the Eagles Nest Wilderness.

Mr. Speaker, this is good legislation, consistent with the desires of both the private property owners and in the public interest. I urge my colleagues to adopt this measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 588.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

RAGGEDS WILDERNESS BOUNDARY ADJUSTMENT AND LAND CONVEYANCE

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 589) to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

The Clerk read as follows:

S. 589

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

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—Congress finds that—

(1) certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate;

(2) in 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands; and

(3) the resurvey indicates that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—If it the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97–465 (commonly known as the ''Small Tracts Act'') (16 U.S.C. 521c et seq.) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River National Forests, Colorado, as designed by section 102(a)(16) of Public Law 96–560 (94 Stat. 3267; 16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled ''Encroachment-Raggeds Wilderness'', dated November 17, 1993.

(d) MAP.—The map described in subsection (c) shall be on file and available for inspection in the appropriate offices of the Forest Service, Department of Agriculture.

(e) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the ''Small Tracts Act'') (16 U.S.C. 521c et seq.) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds

Wilderness under subsection (c) to the owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded real property and who have occupied the excluded real property in good faith reliance on an erroneous survey.

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

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, Senate bill 589 provides for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys. This bill is identical to legislation which passed within the House of Representatives earlier this year as H.R. 1019.

In 1993, following a boundary survey, the White River National Forest discovered an encroachment in the Raggeds Wilderness area just west of the town of Marble in Colorado. The encroachment consists of approximately 400 feet of power line and 450 feet of road. In addition, portions of four subdivision lots extend into the wilderness. The road is a country road and provides the sole legal access to these four lots. The entire encroachment is less than 1 acre of land.

The Bureau of Land Management Forest Service surveys found that the original survey of the Crystal Meadows subdivision was erroneous, and although less than 1 acre is affected, the Forest Service cannot settle the matter under the authority of the Small Tracts Act because the lands in question are within the Raggeds Wilderness area. The wilderness boundary may only be modified by an act of Congress, and S. 589 follows the guidelines established by the Small Tracts Act, Public Law 97–465.

This bill is noncontroversial, Mr. Speaker, and I urge its passage.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, the House passed H.R. 1019 on June 3, 1997, and the text has returned to us with a Senate bill number.

Mr. Speaker, this bill adjusts the boundaries of the Raggeds Wilderness in the White River National Forest in Colorado to accommodate landowners who occupy the property on the basis of erroneous land surveys. It conveys about 1 acre of land on which roads and other improvements were inadvertently constructed. The legislation is noncontroversial, and the administration does not object. I ask my colleagues to support this legislation.

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

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 589.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

DILLON RANGER DISTRICT TRANSFER

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 591) to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado.

The Clerk read as follows:

S. 591

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

SECTION 1. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is hereby adjusted to include all National Forest System lands located in Summit County, Colorado, comprising the Dillon Ranger District of the Arapaho National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is adjusted to exclude the land transferred to the White River National Forest by paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any existing statute, regulation, manual, handbook, or other document shall be deemed to be a reference to the Dillon Ranger District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section affects valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act entitled ''An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'', approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based on the national forest boundaries that existed on the day before the date of enactment of this Act.

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

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, S. 591 adjusts the boundaries of White River National Forest to include all national forest system lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest. This bill passed the House earlier this year as H.R. 1020.

The White River National Forest has administered these lands for a number of years, and therefore the inclusion of the Dillon Ranger District within the White River Forest will more accurately depict the proper administration of these lands. Furthermore, the inclusion should reduce confusion within the general public as to who administers the Dillon Ranger District. The legislation will not alter the current distribution of forest receipts to the affected county governments.

The bill is noncontroversial, and I urge its passage.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, this is yet another noncontroversial Colorado bill which we have already considered in the House. H.R. 1020 passed the House on June 3, 1997. The bill was introduced by the gentleman from Colorado [Mr. MCINNIS]. The other body in its wisdom has sent it back to us as Senate bill 591.

The bill provides for the transfer of the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado. The administration has no objection to this bill, nor does this side of the aisle.

Mr. Speaker, I want to commend the gentlewoman from Idaho as chairman of the Subcommittee on Forests and Forest Health for her diligence, for her leadership and for her attention to issues such as this.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 591.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

HINSDALE COUNTY, COLORADO LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 587) to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado.

The Clerk read as follows:

S. 587

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

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

(a) IN GENERAL.—In exchange for conveyance to the United States of an equal value of offered land acceptable to the Secretary of the Interior that lies within, or in proximity to, the Handies Peak Wilderness Study Area, the Red Cloud Peak Wilderness Study Area, or the Alpine Loop Backcountry Bi-way, in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (referred to in this section as ''LCR''), approximately 560 acres of selected land located in that county and generally depicted on a map entitled ''Larson and Friends Creek Exchange'', dated June 1996.

(b) CONTINGENCY.—The exchange under subsection (a) shall be contingent on the granting by LCR to the Secretary of a permanent conservation easement, on the approximately 440-acre Larson Creek portion of the selected land (as depicted on the map), that limits future use of the land to agricultural, wildlife, recreational, or open space purposes.

(c) APPRAISAL AND EQUALIZATION.—

(1) IN GENERAL.—The exchange under subsection (a) shall be subject to—

(A) the appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 .S.C. 1716); and

(B) reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws

(2) COSTS OF APPRAISAL AND REVIEW.—The costs of appraisals and reviews shall be paid by LCR.

(3) CREDITING.—The Secretary may credit payments under paragraph (2) against the value of the selected land, if appropriate, under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

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

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

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

Mr. HANSEN. Mr. Speaker, the companion bill to S. 587, H.R. 591, was introduced by the gentleman from Colorado [Mr. MCINNIS]. The gentleman from Colorado has assembled a bill that is agreeable to the administration, to the environmental community and to private property owners. I would also like to commend the gentleman from Texas [Mr. THORNBERRY], who has added his support to this bill. This bill authorizes an uncomplicated land exchange and is noncontroversial.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of this legislation. This is one of the four Colorado-related bills on today's calendar which started in the House and have returned with the Senate numbers. In this case the House passed H.R. 591 on July 8, 1997, and we have before us the same bill in the form of Senate bill 587.

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Senate bill 587 directs the Secretary of the Interior to transfer about 560 acres of land located in Hinsdale County in Colorado and currently managed by the Bureau of Land Management. The exchange is contingent upon Department of Conservation easement being placed on 400 of these acres. In exchange, the Bureau of Land Management will receive high-priority lands of equal value within the Handies Peak Wilderness study area, the Red Cloud Peak Wilderness study area, or the Alpine Loop Backcountry Bi-way. According to the Bureau of Land Management, these areas have important wilderness, wildlife, and recreational values. The exchange is subject to appraisals and other requirements under Federal law and must meet the approval of the Secretary of the Interior.

This bill is supported by the administration, and I am not aware of any opposition.

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

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

Mr. Speaker, this bill has very wide community support, and I urge all my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 587.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 931) to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center.

The Clerk read as follows:

S. 931

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, ''The Everglades: River of Grass'' (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas's book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem's health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1886–1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations;

(D) Mr. Coe's original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

(E)(i) Mr. Coe's leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

(b) PURPOSE.—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.

(a) REDESIGNATION.—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking ''to be known as the Everglades Wilderness'' and inserting ''to be known as the Marjory Stoneman Douglas Wilderness, to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park''.

(b) NOTICE OF REDESIGNATION.—The Secretary of the Interior shall provide such notification of the redesignation made by the amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ''Everglades Wilderness'' shall be deemed to be a reference to the ''Marjory Stoneman Douglas Wilderness''.

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) DESIGNATION.—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended by adding at the end the following new subsection:

''(f) ERNEST F. COE VISITOR CENTER.—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the 'Ernest F. Coe Visitor Center', to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.''.

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended—

(1) in subsection (c)(2), by striking ''personally-owned'' and inserting ''personally-owned''; and

(2) In subsection (e), by striking ''VISITOR CENTER'' and inserting ''MARJORY STONEMAN DOUGLAS VISITOR CENTER''.

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

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in full support of S. 931 and urge its adoption. Mr. DEUTSCH of Florida and Mr. GOSS from Florida introduced very similar legislation in the form of H.R. 136 in the House. The Subcommittee on National Parks and Public Lands held hearings on that legislation, and it is supported on a broad bipartisan basis by the Florida delegation, the administration, and many conservation organizations. I am pleased to support this legislation on the House floor and am pleased that we will be sending S. 931 to the President for his signature.

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

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

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

Mr. FALEOMAVAEGA. First of all, Mr. Speaker, I want to commend the gentleman from Utah, the chairman of the Subcommittee on National Parks and Public Lands, for his leadership and especially for his being here managing this piece of legislation.

Mr. Speaker, Senate bill 931 is the Senate companion measure to House bill H.R. 136 introduced by my colleague, the gentleman from Florida [Mr. DEUTSCH], who has been a strong advocate for this legislation. H.R. 136 was favorably reported by the Committee on Resources, and we are bringing the Senate-passed bill to the floor to expedite consideration.

This is truly a noncontroversial matter, and I am glad to see the House considering this bill so it can be sent to the President for his signature.

When the Committee on Resources held a hearing on this legislative initiative, the administration of the National Park Service strongly supported the legislation which would name the Everglades Wilderness and Visitor Center after two individuals who have long and distinguished association with the Everglades National Park. Marjory Stoneman Douglas was a tireless advocate of the Everglades for many years, and it is fitting to recognize her work in protecting this unique ecosystem. Likewise, Ernest F. Coe is considered the father of Everglades National Park, and the bill honors his work by naming the visitor center for him.

With that said, Mr. Speaker, I support the legislation, and I urge my colleagues for their approval and adoption by this Chamber.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of S. 931, legislation to commemorate two individuals whose work and dedication were instrumental in establishing the Everglades National Park, one of our Nation's natural treasures. The legislation before us today is nearly identical to H.R. 136, of which I am a proud cosponsor.

This year, citizens throughout Florida, and indeed our Nation, celebrate the 50th anniversary of the Everglades National Park. Over the past five decades, our knowledge and appreciation for the tremendous resources, so critical to the environmental health and quality of life in our State, have deepened in large part to the two individuals commemorated in this legislation: Marjory Stoneman Douglas and Ernest F. Coe.

Through Mrs. Douglas' trailblazing book entitled ''The Everglades: River of Grass,'' Floridians were first alerted to the fragile nature of the Everglades ecosystem and the degree to which we are all dependent upon its continued health and protection. Since publication of the book in 1947, Mrs. Douglas has fought tirelessly in defense of the Everglades and now at the age of 107, she will be honored through this legislation designating 1.3 million acres within the park as the ''Marjory Stoneman Douglas Wilderness.''

In addition, this bill will honor the ''Papa of the Everglades National Park,'' Ernest F. Coe, by naming the park's main visitor center after him. Mr. Coe's leadership was the driving force behind the establishment of the park and it was his vision which has inspired the preservation of the diverse ecosystem for future generations.

Mr. Speaker, as we celebrate the 50th anniversary of the Everglades National Park it is fitting that we commemorate the valuable service of Mrs. Douglas and Mr. Coe and I urge all my colleagues to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 931.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 931.

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

There was no objection.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1997

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1856) to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1856

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Wildlife Refuge System Volunteer and Community Partnership Act of 1997''.

SEC. 2. VOLUNTEERS AND COMMUNITY PARTNERSHIPS FOR WILDLIFE.

(a) PROMOTION OF VOLUNTEERS AT NATIONAL WILDLIFE REFUGES.—Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended by adding at the end the following: ''Any gift or bequest made for the benefit of a particular national wildlife refuge or complex of refuges shall be disbursed only for the benefit of that refuge or complex of refuges.''.

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of that Act (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting ''awards and recognition,'' after ''lodging,''; and

(2) by inserting ''without regard to their place of residence'' after ''volunteers''.

(c) VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT.—Section 7 of that Act (16 U.S.C. 742) is amended by adding at the end the following:

''(d) VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT.—(1) The purposes of this subsection are the following:

''(A) To encourage the use of volunteers in the National Wildlife Refuge System.

''(B) To facilitate partnerships between the National Wildlife Refuge System and partner organizations.

''(C) To promote participation by individuals, organizations, and communities in understanding and conserving the fish and wildlife resources, lands, and facilities of the National Wildlife Refuge System.

''(D) To enhance the availability of interpretive and educational materials and services for the enjoyment of visitors to national wildlife refuges.

''(2) Subject to the availability of appropriations, the Secretary of the Interior shall conduct a pilot project at 1 national wildlife refuge in each United States Fish and Wildlife Service region, under which the Secretary shall employ a full-time volunteer coordinator for each refuge.

''(3)(A) Subject to the compatibility requirements of the National Wildlife Refuge System Administration Act of 1966 and this paragraph, the Secretary of the Interior may enter into a cooperative agreement (as that term is used in chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government organization, for the conduct of a project on a national wildlife refuge, under which—

''(i) there will be provided enhanced opportunities for private citizens to volunteer with a national wildlife refuge in their local communities and contribute to stewardship of the resources on that refuge;

''(ii) a partner organization, academic institution, or State or local government organization will develop, produce, publish, distribute, or sell educational materials and products pertaining to a national wildlife refuge approved by the Secretary, under conditions specified by the Secretary;

''(iii) a partner organization, academic institution, or State or local government organization will construct, maintain, operate, or improve a facility on a national wildlife refuge necessary for the sale or distribution of educational materials, products, programs, and services pertaining to national wildlife refuges;

''(iv) a partner organization, academic institution, or State or local government organization will provide visitor services, facilities, or activities within a national wildlife refuge, under terms that require that the net profits from such services, facilities, or activities shall be used exclusively for projects and programs that benefit the refuge and are consistent with the purposes for which it was established; or

''(v) there will be carried out within a national wildlife refuge, on a Federal/non-Federal cost sharing basis, habitat restoration and improvement, biological monitoring, research, public education and recreation, construction of facilities, or other projects.

''(B) Any Federal funds used to fund a project under a cooperative agreement under this paragraph—

''(i) may be used only for expenses directly related to the project; and

''(ii) may not be used for operation or administration of any non-Federal entity.

''(C) A partner organization, academic institution, or State or local government organization shall not receive preferential treatment in any application process to provide visitor services, products, or facilities in a national wildlife refuge.

''(D) Any facility or permanent improvement constructed pursuant to this subsection shall be the property of the United States Government.

''(4)(A) Amounts received by the Secretary of the Interior as a result of activities under paragraph (3) shall be deposited in a separate account in the Treasury.

''(B) Amounts in the account referred to in subparagraph (A) that are attributable to activities at a particular national wildlife refuge or complex of refuges shall be available to the Secretary of the Interior without further appropriation—

''(i) for materials, training, and other uses related to volunteer activities at the refuge or complex of refuges; or

''(ii) to carry out cooperative agreements under this subsection applicable to the refuge or complex of refuges.

''(5) For the purposes of this subsection, the term 'partner organization' means an organization—

''(A) the mission of which is to promote understanding and conservation of the fish and wildlife, cultural, or historic resources of a particular national wildlife refuge or a complex of related national wildlife refuges;

''(B) that draws its membership primarily from communities near that refuge or complex of related national wildlife refuges; and

''(C) that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

''(6) In addition to amounts available under paragraph (4)(B), there are authorized to be appropriated to the Secretary of the Interior for each of fiscal years, 1998, 1999, 2000, 2001, 2002, and 2003—

''(A) $1,000,000 for carrying out activities under this subsection and subsection (c); and

''(B) $1,050,000 for pilot projects under paragraph (2) among the United States Fish and Wildlife Service Regions.''.

(d) CONFORMING AMENDMENT.—Section 7(c)(6) of that Act (16 U.S.C. 742f(c)(6)) is amended by striking ''$100,000 for the Secretary of the Interior and''.

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

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

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

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

Mr. SAXTON. Mr. Speaker, as the author of H.R. 1856, I am pleased to present the House of Representatives the National Wildlife Refuge System Community Partnership Act.

The U.S. Fish and Wildlife Service has a very successful program to encourage volunteer activities at the national wildlife refuge and other service field stations. Last year, for example, over 25,000 volunteers donated nearly $11 million worth of services, ranging from staffing of visitor centers to hunter safety classes to operating heavy equipment. I introduced this bill after a field hearing at the Edwin B. Forsythe National Wildlife Refuge in my district in New Jersey that addressed a large number of maintenance backlog issues.

Mr. Speaker, I urge an aye vote on H.R. 1856.

Mr. Speaker, as the author of H.R. 1856, I am pleased to present to the House of Representatives the National Wildlife Refuge System Community Partnership Act.

The U.S. Fish and Wildlife Service has a very successful program to encourage volunteer activities at National Wildlife Refuges and other Service field stations. Last year, for example, over 25,000 volunteers donated nearly $11 million worth of services, ranging from staffing visitor centers, to hunter safety classes, to operating heavy equipment.

I introduced this bill after a field hearing at the Edwin B. Forsythe National Wildlife Refuge in my district in New Jersey that addressed the large maintenance backlog at refuges. We heard from several local volunteer conservation groups who pointed out some problems with the existing volunteer program. This bill is intended to solve these problems.

First of all, the biggest obstacle to improving the volunteer program is a shortage of staff at refuges. We can't expect refuge employees who have full-time operation and maintenance duties to also donate all of their weekends to working with volunteer groups. H.R. 1856 would address this problem by establishing pilot projects at seven refuges for the purpose of hiring full-time volunteer coordinators. This will make it much easier for the Service and conservation groups to work together for the benefit of refuges.

Second, H.R. 1856 makes it easier for interested individuals and groups to donate money or services to refuges. It would ensure that gifts to a particular refuge will actually go to that refuge, instead of disappearing into a nationwide account.

Third, the bill will allow refuge managers to enter into cooperative agreements with local conservation groups to conduct projects on refuges. Again, these provisions are designed to make it easier for refuge managers to cooperate with local organizations. For example, if a volunteer group were interested in constructing a wildlife observation tower or other improvement at a refuge, this section would allow the refuge manager to contribute materials or staff assistance to the project.

All of these provisions are designed to make it easier for volunteers who are interested in helping to conserve fish and wildlife to contribute their skills and enthusiasm to our National Wildlife Refuges. Many of my colleagues have worked hard this year to improve Refuge operations and maintenance through the appropriations process, and to enact the National Wildlife Refuge System Improvement Act, which was signed into law on October 9th. However, it is the thousands of volunteers who directly donate their time and energy who really make the difference on the ground. By making it easier for them, this bill will enhance

an already successful program and ultimately benefit fish and wildlife conservation throughout the National Wildlife Refuge System.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise in support of the legislation, but also today, Mr. Speaker, we recognize two luminaries who ignited the movement to preserve one of America's greatest national treasures, the Florida Everglades.

I think most Americans know that the Everglades is an ecosystem in serious jeopardy. Decades of well intentioned but misguided human intervention have pushed the Everglades to the brink of extinction. While the pride of the Everglades is accepted as common knowledge today, this was not always the case. It took years of tireless campaigning by a few early leaders to raise public awareness to the appropriate level.

Mr. Speaker, today we consider legislation which recognizes the contributions of two of those early leaders who first led the charge to save the Everglades. The bill before us and the House companion bill, supported by 12 members of the Florida delegation, designates the Marjory Stoneman Douglas Wilderness and the Ernest Coe Visitor Center.

Ernest Coe is widely recognized as the father of Everglades National Park. In 1928 he organized a tropical Everglades National Park Association. As a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations. His leadership and selfless devotion to commitment to achieving this vision culminated in the authorization of Everglades National Park by Congress in 1934 and its dedication by President Truman in 1947. Senate 931 dedicates the park's main visitor center in memory of Mr. Coe to remind visitors of his devotion to the Everglades.

The legislation also honors a person who is probably most identified with the Everglades, Marjory Stoneman Douglas. In 1947, Marjory Stoneman Douglas wrote a landmark book on Florida's largest wetland ecosystem, ''The Everglades, River of Grass.'' This pioneering work was the first to highlight the plight of the Everglades and ultimately served to weigh upon public interest in restoring its health.

Professional journalist and author, Mrs. Douglas went on to lead many battles in defense of the Everglades. In 1994, President Clinton awarded her the Medal of Freedom, America's highest civilian honor. Considering her extraordinary accomplishments, it should come as no surprise that Mrs. Douglas is still going strong today at age 107. The legislation designates 1.3 million acres in Everglades National Park as Marjory Stoneman Douglas Wilderness. It is a fitting and permanent reminder by the Everglades' mightiest defender to forever treasure America's greatest tropical ecosystem.

Like so many Everglades accomplishments, this legislation has an entire delegation. I would especially like to thank the gentleman from Florida's southwest coast [Mr. GOSS], who has been the primary original cosponsor for two Congresses, and Florida's Senators, the sponsors of the bill before us today.

Mr. Speaker, our timing is also appropriate because the park is celebrating its 50th anniversary this year. I can say with confidence that the park would not have made it this far without Ernest Coe and Marjory Stoneman Douglas.

So as we look forward to the next 50 years, let us remember the contributions of those who made everything possible today. As a resident of south Florida in terms of both my children and my parents and hopefully grandchildren into the future, there are no words or no deeds that we can do that can thank these two people in specifics in terms of their work, in terms of quality of life in south Florida, so I urge the support of the bill today.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong support of H.R. 1856. The bill was unanimously reported from the Committee on Resources, and the amendments before the House improves its benefits to wildlife even more. The bill's chief sponsor, the gentleman from New Jersey, and also chairman of the subcommittee, has done a yeoman service for wildlife in this country by introducing this legislation by expeditiously bringing it before the House.

The amendment does three things. It promotes volunteer programs in wildlife refugees, it protects wildlife habitat by reauthorizing the highly successful North American Wetlands Conservation Act, and it improves the management of nongame species of wildlife by reauthorizing a program of Federal matching grants for such activities.

Mr. Speaker, this bill is about protecting wildlife habitat and enhancing the management of both game and nongame wildlife. We have long since reached a point where government cannot provide all the know-how and resources adequately to protect our wildlife. By establishing a pilot program to encourage partnerships between wildlife refuges and private organizations, we create a win-win situation for wildlife. Local citizens get an opportunity to gain firsthand experience with wildlife while enjoying the simple pleasure of volunteer service. For their part wildlife refuges get expertise from the local community as well as goods and services which would not otherwise be available to them.

Mr. Speaker, in the 7 years of its existence, the North American Wetlands Act has resulted in the protection of more than 10 million acres of wetlands in the United States, Canada, and Mexico. Two hundred and eight million dollars in government funds for this voluntary, nonregulatory program has been matched by more than $420 million in non-Federal funds, conserving valuable habitat for migratory birds and many nonmigratory species as well.

Lastly, the amendment reauthorizes the Partnerships for Wildlife Act which provides matching grants for nongame wildlife conservation and appreciation. A permanent source of funding like we have for sport fish and game conservation is sorely needed for nongame species. The States currently estimate their unmet needs for nongame management and conservation at over $300 million annually.

I hope that we have the opportunity to give permanent funding for nongame species serious consideration next session. In the meantime, we will continue doing what we can for nongame species under the Partnerships for Wildlife program. This legislation is sound, to benefit wildlife throughout through nonregulatory programs that leverage scarce Federal resources, and, Mr. Speaker, I also would like to commend the gentleman from Hawaii, the ranking member of this subcommittee, for his contribution to this piece of legislation.

I urge my colleagues for their adoption and support of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. SHAW].

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

I rise in support of S. 931, a bill which honors two south Floridian conservation pioneers, Ernest Coe and Marjory Stoneman Douglas. S. 931 names the main visitor center at the Everglades National Park the Ernest F. Coe Visitor Center and designates 1.3 million acres in the park as the Marjory Stoneman Douglas Wilderness.

Ernest Coe, widely recognized as the father of the Everglades National Park, labored for more than 20 years with a single-minded determination to create a national park for the protection of the birds, panthers, and hundreds of other species of wildlife indigenous to Florida.

Almost 70 years ago, Coe presaged the societal pressures which would have threatened this unique habitat and made the designation of the park his purpose in life. Floridians owe him a debt of gratitude, and, indeed, the entire Nation does.

This bill also honors Marjory Stoneman Douglas. So much has been written about this woman's incredible life. Ms. Douglas has achieved near legendary status. At 107 years old, Ms. Douglas remains the single greatest

icon of Everglades restoration and a true south Florida treasure.

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Although it is difficult to conceive in 1997, the Everglades before World War II was considered by most to be a worthless swamp and a hindrance to development and industry. Ms. Douglas was among the first to suggest that the Federal Government's construction programs to drain and redirect the river of grass might upset the natural cycles on which the whole south Florida ecosystem relies. Thanks to Ms. Douglas' foresight, this ecological treasure is now protected in perpetuity.

Mr. Speaker, on the eve of the golden anniversary of the founding of the Everglades National Park, I urge my colleagues to support the bill.

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

Again, I want to commend the gentleman from Hawaii [Mr. ABERCROMBIE], who is necessarily absent this afternoon, for his comanagement of this piece of legislation, and I want to commend him for his service and contributions to making this bill possible to be brought before the floor for consideration.

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

Mr. SAXTON. Mr. Speaker, the gentleman from American Samoa correctly points out the important role that the gentleman from Hawaii [Mr. ABERCROMBIE] played in developing and getting this bill to the floor. So I would like to thank him myself for his support of the National Wildlife Refuge System Volunteer and Community Partnership Acts of 1997.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1856, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

PROVIDING FOR THE DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF OTTAWA AND CHIPPEWA INDIANS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission, as amended.

The Clerk read as follows:

H.R. 1604

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Findings; purpose.
Sec. 3. Definitions.
Sec. 4. Division of funds.
Sec. 5. Development of tribal plans for use or distribution of funds.
Sec. 6. Preparation of judgment distribution roll of descendants.
Sec. 7. Plan for use and distribution of Bay Mills Indian Community funds.
Sec. 8. Plan for use of Sault Ste. Marie Tribe of Chippewa Indians of Michigan funds.
Sec. 9. Plan for use of Grand Traverse Band of Ottawa and Chippewa Indians of Michigan funds.
Sec. 10. Payment to newly recognized or reaffirmed tribes.
Sec. 11. Treatment of funds in relation to other laws.
Sec. 12. Treaties not affected.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Judgments were rendered in the Indian Claims Commission in dockets numbered 18–E, 58, and 364 in favor of the Ottawa and Chippewa Indians of Michigan and in docket numbered 18–R in favor of the Sault Ste. Marie Tribe of Chippewa Indians.

(2) The funds Congress appropriated to pay these judgments have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to the tribes and descendency group and pending development of plans for the use and distribution of the respective tribes' share.

(3) The 1836 treaty negotiations show that the United States concluded negotiations with the Chippewa concerning the cession of the upper peninsula and with the Ottawa with respect to the lower peninsula.

(4) A number of sites in both areas were used by both the Ottawa and Chippewa Indians. The Ottawa and Chippewa Indians were intermarried and there were villages composed of members of both tribes.

(b) PURPOSE.—It is the purpose of this Act to provide for the fair and equitable division of the judgment funds among the beneficiaries and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions apply:

(1) The term ''judgment funds'' means funds appropriated in full satisfaction of judgments made in the Indian Claims Commission—

(A) reduced by an amount for attorneys fees and litigation expenses; and

(B) increased by the amount of any interest accrued with respect to such funds.

(2) The term ''dockets 18–E and 58 judgment funds'' means judgment funds awarded in dockets numbered 18–E and 58 in favor of the Ottawa and Chippewa Indians of Michigan.

(3) The term ''docket 364 judgment funds'' means the judgment funds awarded in docket numbered 364 in favor of the Ottawa and Chippewa Indians of Michigan.

(4) The term ''docket 18–R judgment funds'' means the judgment funds awarded in docket numbered 18–R in favor of the Sault Ste. Marie Band of Chippewa Indians.

(5) The term ''judgment distribution roll of descendants'' means the roll prepared pursuant to section 6.

(6) The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. DIVISION OF FUNDS.

(a) DOCKET 18–E AND 58 JUDGMENT FUNDS.—The Secretary shall divide the docket 18–E and 58 judgment funds as follows:

(1) The lesser of 13.5 percent and $9,253,104.47, and additional funds as described in this section, for newly recognized or reaffirmed tribes described in section 10 and eligible individuals on the judgment distribution roll of descendants.

(2) 34.6 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community, of which—

(A) the lesser of 35 percent of the principal and interest as of December 31, 1996, and $8,313,877 shall be for the Bay Mills Indian Community; and

(B) the remaining amount (less $161,723.89 which shall be added to the funds described in paragraph (1)) shall be for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(3) 17.3 percent (less $161,723.89 which shall be added to the funds described in paragraph (1)) to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan.

(4) 17.3 percent (less $161,723.89 which shall be added to the funds described in paragraph (1)) to the Little Traverse Bay Bands of Odawa Indians of Michigan.

(5) 17.3 percent (less $161,723.89 which shall be added to the funds described in paragraph (1)) to the Little River Band of Ottawa Indians of Michigan.

(6) Any funds remaining after distribution pursuant to paragraphs (1) through (5) shall be divided and distributed to each of the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of paragraphs (2) through (5) bears to the total distribution under all such paragraphs.

(b) DOCKET 364 JUDGMENT FUNDS.—The Secretary shall divide the docket 364 judgment funds as follows:

(1) The lesser of 20 percent and $28,026.79 for newly recognized or reaffirmed tribes described in section 10 and eligible individuals on the judgment distribution roll of descendants.

(2) 32 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community, of which—

(A) 35 percent shall be for the Bay Mills Indian Community; and

(B) the remaining amount shall be for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(3) 16 percent to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan.

(4) 16 percent to the Little Traverse Bay Bands of Odawa Indians of Michigan.

(5) 16 percent to the Little River Band of Ottawa Indians of Michigan.

(6) Any funds remaining after distribution pursuant to paragraphs (1) through (5) shall be divided and distributed to each of the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of paragraphs (2) through (5) bears to the total distribution under all such paragraphs.

(c) DOCKET 18–R JUDGMENT FUNDS.—The Secretary shall divide the docket 18–R judgment funds as follows:

(1) 65 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(2) 35 percent to the Bay Mills Indian Community.

(d) AMOUNTS FOR NEWLY RECOGNIZED OR REAFFIRMED TRIBES OR INDIVIDUALS ON THE JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS HELD IN TRUST.—Pending distribution under this Act to newly recognized or reaffirmed tribes described in section 10 or individuals on the judgment distribution roll of descendants, the Secretary shall hold amounts referred to in subsections (a)(1) and (b)(1) in trust.

SEC. 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS.

(a) DISBURSEMENT OF FUNDS.—(1) Except as provided in paragraphs (2), (3), and (4), the Secretary shall disburse each tribe's respective share of the judgment funds described in subsections (a), (b), and (c) of section 4 not later than 30 days after a plan for use and distribution of such funds has been approved in accordance with this section. Disbursement of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(2) Section 7 shall be the plan for use and distribution of the judgment funds described in subsections (a)(2)(A), (b)(2)(A), and (c)(2) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Bay Mills Indian Community not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 7.

(3) Section 8 shall be the plan for use and distribution of the judgment funds described in subsections (a)(2)(B), (b)(2)(B), and (c)(1) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 8.

(4) Section 9 shall be the plan for use and distribution of the judgment funds described in subsections (a)(3) and (b)(3) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 9.

(b) APPROVAL OR COMMENT OF SECRETARY.—(1) Except as otherwise provided in this Act, each tribe shall develop a plan for the use and distribution of its respective share of the judgment funds. The tribe shall hold a hearing or general membership meeting on its proposed plan. The tribe shall submit to the Secretary its plan together with an accompanying resolution of its governing body accepting such plan, a transcript of its hearings or meetings in which the plan was discussed with its general membership, any documents circulated or made available to the membership on the proposed plan, and comments from its membership received on the proposed plan.

(2) Not later than 90 days after a tribe makes its submission under paragraph (1), the Secretary shall—

(A) if the plan complies with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)), approve the plan; or

(B) if the plan does not comply with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)), return the plan to the tribe with comments advising the tribe why the plan does not comply with such provisions.

(c) RESPONSE BY TRIBE.—The tribe shall have 60 days after receipt of comments under subsection (b)(2), or other time as the tribe and the Secretary agree upon, in which to respond to such comments and make such response by submitting a revised plan to the Secretary.

(d) SUBMISSION TO CONGRESS.—(1) The Secretary shall, within 45 days after receiving the governing body's comments under subsection (c), submit a plan to Congress in accordance with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)). If the tribe does not submit a response pursuant to subsection (c), the Secretary shall, not later than 45 days after the end of the response time for such a response, submit a plan to Congress in accordance with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)).

(2) If a tribe does not submit a plan to the Secretary within 8 years of the date of enactment of this Act, the Secretary shall approve a plan which complies with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)).

(e) GOVERNING LAW AFTER APPROVAL BY SECRETARY.—Once approved by the Secretary under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of section 5 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1405).

(f) HEARINGS NOT REQUIRED.—Notwithstanding section 3 and section 4 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403 and 25 U.S.C. 1404), the Secretary shall not be required to hold hearings or submit transcripts of any hearings held previously concerning the Indian judgments which are related to the judgment funds. The Secretary's submission of the plan pursuant to this Act shall comply with section 4 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1404).

SEC. 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS.

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary shall prepare, in accordance with parts 61 and 62 of title 25, Code of Federal Regulations, a judgment distribution roll of all citizens of the United States who—

(A) were born on or before the date of enactment of this Act;

(B) were living on the date of the enactment of this Act;

(C) are of at least one-quarter Michigan Ottawa or Chippewa Indian blood, or a combination thereof;

(D) are not members of the tribal organizations listed in section 4;

(E) are lineal descendants of the Michigan Ottawa or Chippewa bands or tribes that were parties to either the 1820 treaty (7 Stat. 207), the 1836 treaty (7 Stat. 491), or the 1855 treaty (11 Stat. 621);

(F) are lineal descendants of at least one of the groups described in subsection (d); and

(G) are not described in subsection (e).

(2) TIME LIMITATIONS.—The judgment distribution roll of descendants prepared pursuant to paragraph (1)—

(A) shall not be approved before 8 years after the date of the enactment of this Act or a final determination has been made regarding each petition filed pursuant to section 10, whichever is earlier; and

(B) shall be approved not later than 9 years after the date of the enactment of this Act.

(b) APPLICATIONS.—Applications for inclusion on the judgment distribution roll of descendants must be filed with the superintendent, Michigan agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan, not later than 1 year after the date of enactment of this Act.

(c) APPEALS.—Appeals arising under this section shall be handled in accordance with parts 61 and 62 of title 25, Code of Federal Regulations.

(d) GROUPS.—The groups referred to in subsection (a)(1)(F) are Chippewa or Ottawa tribe or bands of—

(1) Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, or L'Arbre Croche, Cheboigan, Sault Ste. Marie, Michilmackinac; and

(2) any subdivisions of any groups referred to in paragraph (1).

(e) INELIGIBLE INDIVIDUALS.—AN INDIVIDUAL IS NOT ELIGIBLE UNDER THIS SECTION, IF THAT INDIVIDUAL—

(1) received benefits pursuant to the Secretarial Plan effective July 17, 1983, for the use and distribution of Potawatomi judgment funds;

(2) received benefits pursuant to the Secretarial Plan effective November 12, 1977, for the use and distribution of Saginaw Chippewa judgment funds;

(3) is a member of the Keweenaw Bay Chippewa Indian Community of Michigan on the date of the enactment of this Act;

(4) is a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on the date of the enactment of this Act; or

(5) is a member of a tribe whose membership is predominantly Potawatomi.

(f) USE OF HORACE B. DURANT ROLL.—In preparing the judgment distribution roll of descendants under this section, the Secretary shall refer to the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa and Chippewa Tribe of Michigan, as qualified and corrected by other rolls and records acceptable to the Secretary, including the Durant Field Notes of 1908–1909 and the Annuity Payroll of the Ottawa and Chippewa Tribe of Michigan approved May 17, 1910. The Secretary may employ the services of the descendant group enrollment review committees.

(g) PAYMENT OF FUNDS.—Subject to section 10, not later than 90 days after the approval by the Secretary of the judgment distribution roll of descendants prepared pursuant to this section, the Secretary shall distribute per capita the funds described in subsections (a)(1) and (b)(1) of section 4 to the individuals listed on that judgment distribution roll of descendants. Payment under this section—

(1) to which a living, competent adult is entitled under this Act shall be paid directly to that adult;

(2) to which a deceased individual is entitled under this Act shall be paid to that individual's heirs and legatees upon determination of such heirs and legatees in accordance with regulations prescribed by the Secretary; and

(3) to which a legally incompetent individual or an individual under 18 years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect and preserve the interests of that individual.

SEC. 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS INDIAN COMMUNITY FUNDS.

(a) TRIBAL LAND TRUST.—(1) The Executive Council of the Bay Mills Indian Community shall establish a nonexpendable trust to be known as the ''Land Trust''. Not later than 60 days after receipt of the funds distributed to the Bay Mills Indian Community pursuant to this Act, the Executive Council of the Bay Mills Indian Community shall deposit 20 percent of the share of the Bay Mills Indian Community into the Land Trust.

(2) The Executive Council shall be the trustee of the Land Trust and shall administer the Land Trust in accordance with this section. The Executive Council may retain or hire a professional trust manager and may pay the prevailing market rate for such services. Such payment for services shall be

made from the current income accounts of the trust and charged against earnings of the current fiscal year.

(3) The earnings generated by the Land Trust shall be used exclusively for improvements on tribal land or the consolidation and enhancement of tribal landholdings through purchase or exchange. Any land acquired with funds from the Land Trust shall be held as Indian lands are held.

(4) The principal of the Land Trust shall not be expended for any purpose, including but not limited to, per capita payment to members of the Bay Mills Indian Community.

(5) The Land Trust shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document, and shall be available for inspection by any member of the Bay Mills Indian Community.

(6) Notwithstanding any other provision of law, the approval of the Secretary of any payment from the Land Trust shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of funds from the Land Trust.

(b) LAND CLAIMS DISTRIBUTION TRUST.—(1) The Executive Council of the Bay Mills Indian Community shall establish a non-expendable trust to be known as the ''Land Claims Distribution Trust Fund''. Not later than 60 days after receipt of the funds distributed to the Bay Mills Indian Community pursuant to this Act, the Executive Council of the Bay Mills Indian Community shall deposit into the Land Claims Distribution Trust Fund the principal funds which shall consist of—

(A) amounts remaining of the funds distributed to the Bay Mills Indian Community after distribution pursuant to subsections (a) and (c);

(B) 10 percent of the annual earnings generated by the Land Claims Distribution Trust Fund; and

(C) such other funds which the Executive Council chooses to add to the Land Claims Distribution Trust Fund.

(2) The Executive Council shall be the trustee of the Land Claims Distribution Trust Fund and shall administer the Land Claims Distribution Trust Fund in accordance with this section. The Executive Council may retain or hire a professional trust manager and may pay for said services the prevailing market rate. Such payment for services shall be made from the current income accounts of the trust and charged against earnings of the current fiscal year.

(3) 90 percent of the annual earnings of the Land Claims Distribution Trust Fund shall be distributed on October 1 of each year after the creation of the trust fund to any person who—

(A) is enrolled as a member of the Bay Mills Indian Community;

(B) is at least 55 years of age as of the annual distribution date; and

(C)(i) has been enrolled as a member of the Bay Mills Indian Community for a minimum of 25 years as of the annual distribution date, or

(ii) was adopted as a member of the Bay Mills Indian Community on or before June 30, 1996.

(4) In the event that a member of the Bay Mills Indian Community who is eligible for payment under subsection (b)(3), should die after preparation of the annual distribution roll and prior to the October 1 distribution, that individual's share for that year shall be provided to the member's heirs at law.

(5) In the event that a member of the Bay Mills Indian Community who is at least 55 years of age and who is eligible for payment under subsection (b)(3), shall have a guardian appointed for said individual, such payment shall be made to the guardian.

(6) Under no circumstances shall any part of the principal of the Land Claims Distribution Trust Fund be distributed as a per capita payment to members of the Bay Mills Indian Community, or used or expended for any other purpose by the Executive Council.

(7) The Land Claims Distribution Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document and shall be available for inspection by any member of the Bay Mills Indian Community.

(8) Notwithstanding any other provision of law, the approval of the Secretary of any payment from the Land Claims Distribution Trust Fund shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the Fund.

(c) LAND CLAIMS INITIAL PAYMENT.—As compensation to the members of the Bay Mills Indian Community for the delay in distribution of the judgment fund, payment shall be made by the Executive Council within 30 days of receipt of the Bay Mills Indian Community's share of the judgment fund from the Secretary, as follows:

(1) The sum of $3,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who has attained the age of 55 years, but is less than 62 years of age, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(2) The sum of $5,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who is at least 62 years of age and less than and 70 years of age, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(3) The sum of $10,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who is 70 years of age or older, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(d) ANNUAL PAYMENTS FROM LAND CLAIMS DISTRIBUTION TRUST FUND.—The Executive Council shall prepare the annual distribution roll and ensure its accuracy prior to August 30 of each year prior to distribution. The distribution roll shall identify each member of the Bay Mills Indian Community who, on the date of distribution, will have attained the minimum age and membership duration required for distribution eligibility, as specified in subsection (b)(3). The number of eligible persons in each age category defined in this subsection, multiplied by the number of shares for which the age category is entitled, added together for the 3 categories, shall constitute the total number of shares to be distributed each year. On each October 1, the shares shall be distributed as follows:

(1) Each member who is at least 55 years of age and less than 62 years of age shall receive 1 share.

(2) Each member who is between the ages of 62 and 69 years shall receive 2 shares.

(3) Each member who is 70 years of age or older shall receive 3 shares.

SEC. 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN FUNDS.

(a) SELF-SUFFICIENCY FUND.

(1) The Sault Ste. Marie Tribe of Chippewa Indians of Michigan (referred to in this section as the ''Sault Ste. Marie Tribe''), through its board of directors, shall establish a trust fund for the benefit of the Sault Ste. Marie Tribe which shall be known as the ''Self-Sufficiency Fund''. The principal of the Self-Sufficiency Fund shall consist of—

(A) the Sault Ste. Marie Tribe's share of the judgment funds transferred by the Secretary to the board of directors pursuant to subsection (e);

(B) such amounts of the interest and other income of the Self-Sufficiency Fund as the board of directors may choose to add to the principal; and

(C) any other funds that the board of directors of the Sault Ste. Marie Tribe chooses to add to the principal.

(2) The board of directors shall be the trustee of the Self-Sufficiency Fund and shall administer the Fund in accordance with the provisions of this section.

(b) USE OF PRINCIPAL.—

(1) The principal of the Self-Sufficiency Fund shall be used exclusively for investments or expenditures which the board of directors determines—

(A) are reasonably related to—

(i) economic development beneficial to the tribe; or

(ii) development of tribal resources;

(B) are otherwise financially beneficial to the tribe and its members; or

(C) will consolidate or enhance tribal landholdings.

(2) At least one-half of the principal of the Self-Sufficiency Fund at any given time shall be invested in investment instruments or funds calculated to produce a reasonable rate of return without undue speculation or risk.

(3) No portion of the principal of the Self-Sufficiency Fund shall be distributed in the form of per capita payments.

(4) Any lands acquired using amounts from the Self-Sufficiency Fund shall be held as Indian lands are held.

(c) USE OF SELF-SUFFICIENCY FUND INCOME.—The interest and other investment income of the Self-Sufficiency Fund shall be distributed—

(1) as an addition to the principal of the Fund;

(2) as a dividend to tribal members;

(3) as a per capita payment to some group or category of tribal members designated by the board of directors;

(4) for educational, social welfare, health, cultural, or charitable purposes which benefit the members of the Sault Ste. Marie Tribe; or

(5) for consolidation or enhancement of tribal lands.

(d) GENERAL RULES AND PROCEDURES.—

(1) The Self-Sufficiency Fund shall be maintained as a separate account.

(2) The books and records of the Self-Sufficiency Fund shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be treated as a public document of the Sault Ste. Marie Tribe and a copy of the report shall be available for inspection by any enrolled member of the Sault Ste. Marie Tribe.

(e) TRANSFER OF JUDGMENT FUNDS TO SELF-SUFFICIENCY FUND.—

(1) The Secretary shall transfer to the Self-Sufficiency Fund the share of the funds which have been allocated to the Sault Ste. Marie Tribe pursuant to section 4.

(2) Notwithstanding any other provision of law, after the transfer required by paragraph (1) the approval of the Secretary for any payment or distribution from the principal or income of the Self-Sufficiency Fund shall not be required and the Secretary shall have no trust responsibility for the investment,

administration, or expenditure of the principal or income of the Self-Sufficiency Fund.

(f) LANDS ACQUIRED USING INTEREST OR OTHER INCOME OF THE SELF-SUFFICIENCY FUND.—Any lands acquired using amounts from interest or other income of the Self-Sufficiency Fund shall be held in trust by the Secretary for the benefit of the tribe.

SEC. 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN FUNDS.

(a) LAND CLAIMS DISTRIBUTION TRUST FUND.—(1) The share of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan (hereafter in this section referred to as the ''Band''), as determined pursuant to subsections (a)(3) and (b)(3) of section 4, shall be deposited by the Secretary in a nonexpendable trust fund to be established by the Tribal Council of the Band to be known as the ''Land Claims Distribution Trust Fund'' (hereafter in this section referred to as the ''Trust Fund'').

(2) The principal of the Trust Fund shall consist of—

(A) the funds deposited into the Trust Fund by the Secretary pursuant to this subsection;

(B) annual earnings of the Trust Fund which shall be retained, and added to the principal; and

(C) such other funds as may be added to the Trust Fund by action of the Tribal Council of the Band.

(b) MANAGEMENT OF THE TRUST FUND.—The Tribal Council of the Band shall be the trustee of the Trust Fund and shall administer the Fund in accordance with this section. In carrying out this responsibility, the Tribal Council may retain or hire a professional trust manager and may pay the prevailing market rate for such services. Such payment for services shall be made from the current income accounts of the Trust Fund and charged against the earnings of the fiscal year in which the payment becomes due.

(c) TRUST FUND AS LOAN COLLATERAL.—(1) The Trust Fund shall be used by the Band as collateral to secure a bank loan equal to 80 percent of the principal of the Trust Fund at the lowest interest rate then available. Such loan shall be used by the Band to make a one-time per capita payment to all eligible members.

(2) The loan secured pursuant to this subsection shall be amortized by the earnings of the Trust Fund. The Tribal Council of the Band shall have the authority to invest the principal of the Trust Fund on market risk principles that will ensure adequate payments of the debt obligation while at the same time protecting the principal.

(d) ELDERS' LAND CLAIM DISTRIBUTION TRUST FUND.—(1) Upon the retirement of the loan obtained pursuant to subsection (c), the Tribal Council shall establish the Grand Traverse Band Elders' Land Claims Distribution Trust Fund (hereafter in this section referred to as the ''Elders' Trust Fund''). There shall be deposited into the Elders' Trust Fund the principal and all accrued earnings that are in the Land Claims Distribution Trust Fund on the date of retirement of such loan.

(2) Upon establishment of the Elders' Trust Fund, the Tribal Council of the Band shall make a one-time payment to any person who is living on the date of the establishment of the Elders' Trust Fund, and who was an enrolled member of the Band for at least 2 years prior to, the date of the enactment of this Act as follows:

(A) $500 for each member who has attained the age of 55 years, but is less than 62 years of age.

(B) $1,000 for each member who has attained the age of 62 years, but is less than 70 years of age.

(C) $2,500 for each member who is 70 years of age or older.

(3) After distribution pursuant to paragraph (2), the net annual earnings of the Elders' Trust Fund shall be distributed as follows:

(A) 90 percent shall be distributed on October 1 of each year after the creation of the Elder's Trust Fund to all living enrolled members of the Band who have attained the age of 55 years upon such date, and who shall have been an enrolled member of the Band for not less than 2 years upon such date.

(B) 10 percent shall be added to the principal of the Elders' Trust Fund.

(4) Distribution pursuant to paragraph (3)(A) shall be as follows:

(A) One share for each person on the current annual Elders' roll who has attained the age of 55 years, but is less than 62 years of age.

(B) Two shares for each person who has attained the age of 62 years, but is less than 70 years of age.

(C) Three shares for each person who is 70 years of age or older.

(5) None of the funds in the Elders' Trust Fund shall be distributed or expended for any purpose other than as provided in this subsection.

(6) The Elders' Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be reasonably available for inspection by the members of the Band.

(7) The Tribal Council of the Band shall prepare an annual Elders' distribution roll and ensure its accuracy prior to August 30 of each year. The roll shall identify each member of the Band who has attained the minimum age and membership duration required for distribution eligibility pursuant to paragraph (3)(A).

(e) GENERAL PROVISIONS.—(1) In the event that a tribal member eligible for a payment under this section shall die after preparation of the annual distribution roll, but prior to the distribution date, such payment shall be paid to the estate of such member.

(2) In any case where a legal guardian has been appointed for a person eligible for a payment under this section, payment of that person's share shall be made to such guardian.

(f) NO SECRETARIAL RESPONSIBILITIES FOR TRUST FUND.—The Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the Land Claims Distribution Trust Fund or the Elders' Trust Fund.

SEC. 10. PAYMENT TO NEWLY RECOGNIZED OR REAFFIRMED TRIBES.

(a) ELIGIBILITY.—In order to be eligible for tribal funds under this Act, a tribe that is not federally recognized or reaffirmed on the date of the enactment of this Act—

(1) must be a signatory to either the 1836 treaty (7 Stat. 491) or the 1855 treaty (11 Stat. 621);

(2) must have a membership that is predominantly Chippewa and Ottawa;

(3) shall not later than 6 months after the date of the enactment of this Act, submit to the Bureau of Indian Affairs a letter of intent for Federal recognition if such a letter is not on file with the Bureau of Indian Affairs; and

(4) shall not later than 3 years after the date of the enactment of this Act, submit to the Bureau of Indian Affairs a documented petition for Federal recognition if such a petition is not on file with the Bureau of Indian Affairs.

(b) DISTRIBUTION OF FUNDS ALLOTTED FOR NEWLY RECOGNIZED OR REAFFIRMED TRIBES.—Not later than 90 days after a tribe that has submitted a timely petition pursuant to subsection (a) is federally recognized or reaffirmed, the Secretary shall segregate and hold in trust for such tribe, its respective share of the funds described in sections 4(a)(1) and (b)(1), $3,000,000 plus 30 percent of any income earned on the funds described in section 4(a)(1) and (b)(1) up to the date of such distribution.

(c) DISTRIBUTION OF FUNDS ALLOTTED FOR CERTAIN INDIVIDUALS.—If, after the date of the enactment of this Act and before approval by the Secretary of the judgment distribution roll of descendants, Congress or the Secretary recognizes a tribe which has as a member an individual that is listed on the judgment distribution roll of descendants as approved pursuant to section 6, the Secretary shall, not later than 90 days after the approval of such judgment distribution roll of descendants, remove that individual's name from the descendants roll and reallocate the funds allotted for that individual to the fund established for such newly recognized or reaffirmed tribe.

(d) FUNDS SUBJECT TO PLAN.—Funds held in trust for a newly recognized or reaffirmed tribe shall be subject to plans that are approved in accordance with this Act.

(e) DETERMINATION OF MEMBERSHIP IN NEWLY RECOGNIZED OR REAFFIRMED TRIBE.—

(1) SUBMISSION OF MEMBERSHIP ROLL.—For purposes of this section—

(A) if the tribe is acknowledged by the Secretary under part 83 of title 25, Code of Federal Regulations, the Secretary shall use the tribe's most recent membership list provided under such part;

(B) unless otherwise provided by the statutes which recognizes the tribe, if Congress recognizes a tribe, the Secretary shall use the most recent membership list provided to Congress. If no membership list is provided to Congress, the Secretary shall use the most recent membership list provided with the tribe's petition for acknowledgment under part 83 of title 25, Code of Federal Regulations. If no such list was provided to Congress or under such part, the newly recognized tribe shall submit a membership list to the Secretary before the judgment distribution roll of descendants is approved or the judgment funds shall be distributed per capita pursuant to section 6;

(C) a tribe that has submitted a membership roll pursuant to this section may update its membership rolls not later than 180 days before distribution pursuant to section 6.

(2) FAILURE TO SUBMIT UPDATED MEMBERSHIP ROLL.—If a membership list was not provided—

(A) to the Secretary, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for Federal acknowledgment filed under part 83 of title 25, Code of Federal Regulations, unless otherwise provided in the statute which recognized the tribe;

(B) to the Bureau of Indian Affairs, the newly recognized or reaffirmed tribe shall submit a membership list before the judgment distribution roll of descendants is approved by the Secretary, unless otherwise provided in the statute which recognized the tribe; and

(C) before the judgment distribution roll of descendants is approved, the judgment funds shall be distributed per capita pursuant to section 6.

SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

The eligibility for or receipt of distributions under this Act by a tribe or individual shall not considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(1) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(2) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

SEC. 12. TREATIES NOT AFFECTED.

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe mentioned in this Act is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

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

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

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

Mr. Speaker, H.R. 1604 will provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the Indian Claims Commission dockets.

These judgment funds were appropriated by Congress years ago and have been held by the Department of Interior for the beneficiaries. The funds would be divided according to a formula included in H.R. 1604 between individuals and on judgment distribution rules of decedents to be created by the Secretary of the Interior and 5 Michigan tribes. Those portions of the funds to be distributed to each tribe shall be disbursed after a plan for use and distribution by each tribe has been approved by the Secretary of the Interior.

This is a good bill, it is fair. It has been approved by the tribes with whom we have worked who are entitled to the distribution of money. The Federal Government has delayed the distribution of these funds long enough. It is now time to act, and I urge a ''yea'' vote.

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

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

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

Mr. KILDEE. Mr. Speaker, the legislation before us today, the Michigan Land Claims Settlement Act, will resolve a long-standing injustice perpetrated against the Chippewa and Ottawa Indian Nations in Michigan.

Over a century and a half ago, the Chippewa and Ottawa Tribes signed a treaty in which the Michigan Indian Nations agreed to cede over 12 million acres of land to the Federal Government in exchange for a series of annuities to be paid to the tribes. This land encompassed most of the upper Lower Peninsula of Michigan and the eastern part of the upper peninsula. The final compensation considered paid to these tribes was approximately 15 cents an acre.

In 1948, the tribes filed suit with the Indian Claims Commission to examine the fairness of compensation paid to the Michigan tribes. After a thorough and exhaustive review, the Indian Claims Commission called the 15 cents an acre payment an ''unconscionable consideration'' and determined the tribes should have been given 90 cents an acre for their land. In 1971, the tribes were awarded over $10 million by the Congress to settle this lands claim.

These monies were placed in a trust fund that has been administered by the BIA for the last 26 years. Today, that fund is worth over $74 million.

The legislation before us, Mr. Speaker, will allow these funds to be distributed to the tribes. H.R. 1604 represents a negotiated compromise between the Michigan tribes and descendency groups to finally bring about the justice they so rightly deserve.

When the House Committee on Resources considered this bill, it was passed by a voice vote. The administration is supportive of this bill, and I am hopeful that the Senate will take it up before we adjourn this year. I urge my colleagues to support this important legislation.

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

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

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time, since most of these lands were ceded in my district.

I just want to say I certainly endorse this proposal. I hope it will be passed. It is long overdue. It has been a long time, 1971, this money has been sitting here. I thank the chairman and the gentleman from Michigan [Mr. KILDEE], the ranking member, for all their hard work in moving this legislation forward. It is a good, fair settlement. The Native Americans are entitled to this money and I certainly strongly support this legislation, and I thank the Members for assisting us in getting to this stage here today.

Mr. YOUNG of Alaska, Mr. Speaker, I submit the following: section-by-section analysis H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

SECTION 1. TABLE OF CONTENTS

Section 1 of the bill provides the Table of Contents for the Act.

SECTION 2. FINDINGS: PURPOSE

Subsection (a) contains various Congressional findings relating to the Act. These findings specifically note that judgments were rendered in the Indian Claims Commission in dockets numbered 18–E, 58 and 364 in favor of the Ottawa and Chippewa Indians of Michigan and in docket numbered 18–R in favor of the Sault Ste. Marie Bank of Chippewa Indians. It also notes that the funds Congress appropriated to pay these judgments have been held by the U.S. Department of the Interior pending a division of the fund in a manner acceptable to the tribes and descendance group and pending the development of plans for the use and distribution of the respective tribe's share.

Subsection (b) states that the purpose of this Act is to provide for a fair and equitable division of these judgment funds among the beneficiaries and to allow the tribes to develop plans for the use and distribution of their respective shares of the funds.

SECTION 3. DEFINITIONS

This section defines the important terms used in the Act.

SECTION 4. DIVISION OF FUNDS

Subsection (a) provides for the Secretary of the Interior's division of the principal and interest generated by the funds appropriated to pay the claims stemming from dockets 18–E and 58.

Paragraph (1) provides that the lesser of 13.5% or $9,253,104.47 of the funds shall be paid to newly recognized or reaffirmed tribes as well as individuals whose names are found on the judgment distribution roll of descendants which the Secretary of the Interior is mandated to develop pursuant to section 6 of this Act.

Paragraph (2) states that the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians shall each receive a share of the next 34.6% of these monies. Of this 34.6%, the Bay Mills Indian Community shall receive the lesser of 35% of the principal and interest as of December 31, 1997, or $8,313,877 and the Sault Ste. Marie Tribe of Chippewa Indians shall receive the remaining amount minus $161,723.89 that will be added to the funds described in paragraph (1).

Paragraphs (3)–(5) provide that the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan shall each receive 17.3% of the principal and interest, minus $161,723.89 from each tribe to be added to the fund provided for in paragraph (1).

Paragraph (6) states that any funds remaining after the aforementioned distributions are made shall be divided among the recognized tribes listed in paragraphs (1)–(5) of this section in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of subsections (1)–(5) above bears to the total distribution under all such subsections.

Subsection (b) explains how the Secretary of the Interior is to divide the principal and interest generated on the funds appropriated to pay the claims stemming from docket 364.

Paragraph (1) provides that the lesser of 20% or $28,026.79 of the principal and interest shall be paid to the individuals whose names are found on the judgment distribution roll of descendants which the Secretary of the Interior is mandated to develop pursuant to section 6 of this Act.

Paragraph (2) states that the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians shall each receive a share of the next 32% of these monies. Of this 32%, the Bay Mills Indian Community shall receive 35% and the Sault Ste. Marie Tribe of Chippewa Indians shall receive the remaining amount.

Paragraphs (3)–(5) provide that the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Bank of Ottawa Indians of Michigan shall each receive 16% of the principal and interest.

Paragraph (6) states that any funds remaining after the aforementioned distributions are made shall be divided between the recognized tribes listed in this subsection in an amount which bears the same ratio to the

amount so divided and distributed as the distribution of judgment funds pursuant to each of subsections (1)–(5) above bears to the total distribution under all such subsections.

Subsection (c) provides for the Secretary of the Interior to pay 65% of the principal and interest generated on the funds appropriated to pay the claims stemming from docket 18–R to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and 35% to the Bay Mills Indian Community.

Subsection (d) requires the Secretary to hold all amounts to be paid to the individuals whose names are found on the judgment distribution roll of descendants, developed pursuant to section 6 of this Act, in trust until those monies are distributed to those individuals.

SECTION 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS

Section 5 provides for the development of tribal plans for the use and distribution of these judgment funds to the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan.

Paragraph (1) requires the Secretary to distribute the funds allocated by this Act to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan no later than 30 days after each tribe submits and the Secretary approves a plan for that tribe's use and distribution of its respective share.

Paragraphs (2), (3) and (4) provide that the plans set forth in sections 7, 8 and 9 of this Act detailing the Bay Mills Indian Community's, the Sault Ste. Marie Tribe's, and the Grand Traverse Band's use and distribution of their respective shares of these judgment monies shall be deemed approved by the enactment of this Act. It also requires the Secretary to distribute the monies allocated to these tribes no later than 90 days after the enactment of this Act and requires the tribes to use these monies in the manner provided by the aforementioned plans.

Subsection (b) describes the process that the Little Traverse Bay Bands of Odawa Indians of Michigan, and the Little River Band of Ottawa Indians of Michigan must undertake to obtain the release of their respective shares of these judgment funds. This subsection requires each tribe to develop a plan for the use and distribution of its respective share. It further requires the tribe to hold a hearing or general membership meeting on that proposed plan and submit that plan together with a tribal government resolution, a transcription of its hearing or meeting on the plan, any documents circulated or made available to the membership on the plan, and the comments it received to the Secretary of the Interior. It also establishes time-lines within which the Secretary must act on the plans and the steps the Secretary must take if a tribe does not submit a plan within eight years of the date of enactment.

SECTION 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS

Section 6 requires the Secretary to develop a judgment distribution roll of descendants and details the procedures that he must follow in performing that task. This roll must be developed within nine years after the date of enactment of this Act and in accordance with parts 61 and 62 of title 25, of the Code of Federal Regulations. The roll shall consist of the names of all citizens of the United States who were both born and living on or before the date of enactment of this Act and who are at least one-quarter Michigan Ottawa or Chippewa Indian blood, or a combination thereof. This roll shall not include persons who are members of one of the tribes receiving judgment funds pursuant to section 4 of this Act. The persons whose names are contained on this roll must be lineal descendants whose Michigan Ottawa or Chippewa ancestry is derived from the Chippewa and/or Ottawa Bands of Cheboigon, Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, L'Arbre Croche, Michilmackinac, Sault Ste. Marie, or any Ottawa or Chippewa subdivisions of any of these groups. The Secretary shall also exclude from this roll the names of persons who are deemed ineligible under subsection (e).

In preparing this roll of descendants, the Secretary shall refer to the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa or Chippewa Tribe of Michigan, as that roll has been qualified and corrected by other rolls and records acceptable to the Secretary, including the Durant Field Notes of 1908–1909 and the Annuity Payroll of the Ottawa or Chippewa Tribe of Michigan approved May 17, 1910. The Secretary is authorized to employ the services of descendant group enrollment review committees to assist in this effort.

SECTION 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS INDIAN COMMUNITY FUNDS

The section establishes an approved plan for the Bay Mills Indian Community's use of its share of the judgment funds. Specifically the section authorizes the establishment of two tribal trust funds, a ''Land Trust'' which shall be used exclusively for the improvement of current and future tribal lands and the consolidation of the tribal land base, and a ''Land Claims Distribution Trust'' which shall be used to assist Bay Mills Members over the age of 55. Both funds shall be administered by the Bay Mills Executive Council. The Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration or expenditure of the funds once they are transferred to these tribal accounts. The funds are, however, subject to an annual audit and the auditor's report must be made available for inspection by any member of the tribe.

SECTION 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN FUNDS

This section establishes an approved plan for the Sault Ste. Marie Tribe's use of its share of the judgment funds. Specifically it authorizes the tribe to establish a ''Self-Sufficiency'' trust fund for the benefit of the tribe. This fund is administered by the tribe's board of directors. The principal of this fund must be used exclusively for investments or expenditures which the board determines are financially beneficial to the tribe, reasonably related to economic development, for the development of tribal resources, or for the consolidation or enhancement of tribal land holdings. The income produced by the fund can be used in one of five ways. It can be added to the fund's principal, it can be distributed as a dividend to tribal members, it can be distributed as per capita payment to some group or category of tribal members, or it can be used for educational, social welfare, health, cultural, or charitable purposes which benefit the tribe's members, or it can be used to purchase or exchange land to consolidate or enhance the tribal land holdings. All lands so acquired shall be held as Indian lands are held. The fund must be maintained as a separate account and shall be subject to an audit by a certified public accountant at least once a year. The Secretary of the Interior must transfer the tribe's share of said judgment funds directly into this fund and the approval of the Secretary shall not be required for any payment or distribution from the principal or income of the fund, nor shall the Secretary have any trust responsibility for the investment, supervision, administration, or expenditure of the funds it contains.

SECTION 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN FUNDS

Section 9 of the bill authorizes the Secretary to deposit the total share of the Grand Traverse Band, as determined in section 4(a)(3) and section 4(b)(3), into a ''Land Claims Distribution Trust Fund'' to be established by the Band. The Band is empowered to use such funds as collateral for a loan in the amount of 80% of the share. The proceeds of this loan would be used by the Band to make a per capita payment to its members. The annual earnings of the Trust Fund, less amounts for administration, would be used to amortize the loan.

As soon as the loan was repaid from the proceeds of the Trust Fund, the Band would create a new trust fund to be known as the ''Elders Land Claims Distribution Trust Fund.'' The principal and accrued earnings remaining in the first fund would then be deposited in the Elders' Trust Fund. Thereafter, 90% of the earnings of the Elders' Trust Fund would be used by the Band to make supplementary income payments to their elderly members. The remaining 10% of the earnings would be added to the principal of the Elders' Trust Fund each year.

SECTION 10. PAYMENT TO NEWLY RECOGNIZED OR REAFFIRMED TRIBES

This section requires the Secretary to distribute the funds in section 4(a)(1) of this Act to the persons listed on the judgment distribution roll of descendants and to the newly recognized or reaffirmed tribes. This roll shall be prepared pursuant to section 6 of this Act. Upon federal recognition or reaffirmation, each tribe will receive a minimum of $3 million or more as called for in this section. The per capita payments are to be made directly to each living competent adult. However, if a person entitled to receive these funds is deceased, the funds shall be paid to that individual's heirs or legatees in accordance with the regulations prescribed by the Secretary. If a person entitled to a share of these funds is legally incompetent or is under the age of 18 years, the funds shall be paid in accordance with the procedures which the Secretary determines are necessary to protect and preserve the person's interests.

Subsection 10(c) provides that if, after the date of enactment of this Act, but before the Secretary's approval of the judgment distribution roll of descendants, a tribe is recognized, Congressionally or by the Secretary, which includes one or more individuals whose names are on the judgment distribution roll of descendants, the funds allotted for that individual shall be held in trust for that newly recognized or affirmed tribe. These funds shall then be subject to a plan approved in accordance with this Act.

Subsection 10(e) provides criteria to be used by the Secretary in determining whether one of more persons whose names are contained on the judgment distribution roll of descendants is included in a newly recognized tribe.

Subsection 10(e)(1)(A) provides that if the tribe is acknowledged by the Secretary under part 83 of title 25 of the Code of Federal Regulations, the Secretary shall use the tribe's most recent membership list provided under that part. If a tribe is recognized by Congress, the Secretary shall use the most recent membership list provided to Congress, unless the recognition statute otherwise provides. If the tribe did not submit a membership list to Congress, the Secretary shall use

the most recent membership list it was provided under part 83 of title 25 of the Code of Federal Regulations. If none of these lists were provided, the newly recognized tribe shall submit a membership list to the Secretary before the judgment fund distribution roll of descendants is approved. If it fails to do so, its share of the funds will be distributed to the individuals named on the judgment fund distribution roll of descendants.

Subsection 10(e)(2) provides that if a membership list was not provided to the Secretary, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for federal acknowledgment filed under part 83, of title 25 of the Code of Federal Regulations, unless the statute which recognized the tribe provides otherwise. If the Bureau of Indian Affairs was not provided a membership list, the tribe must submit a membership list to the Secretary before the judgment distribution is approved, unless the statute which recognized the tribe provides otherwise. If the tribe fails to provide either of these lists before the judgment distribution roll of descendants is approved, the judgment funds are to be distributed per capita as provided for in section 9 of this Act.

SECTION 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS

Section 11 provides that an individual's or tribe's eligibility or receipt of distributions under this Act shall not be considered as income, resources, or otherwise when determining that tribe's or individual's eligibility for or computation of any payment or other benefit under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act and any other benefit to which such tribe, household, or individual would otherwise be entitled under any federal or federally assisted program.

SECTION 12. TREATIES NOT AFFECTED

This section makes it clear that no provision of the Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe mentioned in the Act is a party, nor to any right secured to such a tribe, or to any other tribe by any treaty.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 1604, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 948) to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes.

The Clerk read as follows:

H.R. 948

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Burt Lake Band of Ottawa and Chippewa Indians Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Burt Lake Band of Ottawa and Chippewa Indians are descendants and political successors to the signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, Little Traverse Bay Band of Odawa Indians, the Little River Band of Ottawa, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Burt Lake Band of Ottawa and Chippewa Indians consists of over 650 eligible members who continue to reside close to their ancestral homeland as recognized in the Cheboygan Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which area is now known as Cheboygan County, Michigan.

(4) The Band continues its political and social existence with a viable tribal government. The Band, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(5) Between 1948 and 1975, the Band carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(6) In 1935, the Band petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the ''Indian Reorganization Act''), to form a government on behalf of the Band. Again, in spite of the Band's eligibility, the Bureau of Indian Affairs failed to act.

(7) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Band from 1836 to the present.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Band'' means the Burt Lake Band of Ottawa and Chippewa Indians;

(2) the term ''member'' means those individuals enrolled in the Band pursuant to section 7; and

(3) the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition of the Burt Lake Band of Ottawa and Chippewa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq., commonly referred to as the ''Indian Reorganization Act''), which are inconsistent with any specific provision of this Act shall not be applicable to the Band and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Band and its members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after the date of the enactment of this Act to the Band and its members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREAS.—For purposes of the delivery of Federal services to the enrolled members of the Band, the area of the State of Michigan within 70 miles of the boundaries of the reservation for the Burt Lake Band as set out in Article I, paragraph ''seventh'' of the Treaty of 1855 (11 Stat. 621), shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named service area unless prohibited by law or regulation.

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Band and its members, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act shall be construed to diminish any right or privilege of the Band or of its members that existed before the date of the enactment of this Act. Except as otherwise specifically provided in any other provisions of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Band may have to enforce any right or privilege reserved by or granted to the Band which was wrongfully denied to or taken from the Band before the enactment of this Act.

SEC. 6. TRIBAL LANDS.

The Band's tribal lands shall consist of all real property, now or hereafter held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

SEC. 7. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Band shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Band. The qualifications for inclusion on the membership roll of the Band shall be determined by the membership clauses in the Band's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Band shall ensure that such roll is maintained and kept current.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct by secret ballot elections for the purpose of adopting a new constitution for the Band. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; commonly referred to as the ''Indian Reorganization Act'').

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of the enactment of this Act shall be the interim governing documents for the Band.

(b) OFFICIALS.—

(1) ELECTIONS.—Not later than 6 months after the Band adopts their constitution and

bylaws pursuant to subsection (a), the Band shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's governing constitution. The elections shall be conducted according to the procedures described in the Band's constitution and bylaws.

(2) INTERIM GOVERNMENTS.—Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing bodies shall be those bodies in place on the date of the enactment of this Act, or any new governing bodies selected under the election procedures specified in the respective interim governing documents of the Band.

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

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, parliamentary inquiry.

Is the gentleman from Michigan opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Michigan opposed to the bill?

Mr. KILDEE. No, Mr. Speaker, I am not opposed to the bill.

Mr. SHAYS. Mr. Speaker, in that case I would claim the time in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. SHAYS] will be recognized for 20 minutes.

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

Mr. SAXTON. Mr. Speaker, just as a point of order, if I may would it be possible that I can yield to the gentleman from Michigan, and we will all be happy here, right?

The SPEAKER pro tempore. The gentleman has that right.

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

Mr. Speaker, if I may, H.R. 948, the proposed Burt Lake Band of Ottawa and Chippewa Indians would reaffirm and clarify the Federal relationship of the Burt Lake Band of Ottawa and Chippewa Indians.

The Burt Lake Band consists of approximately 650 individual decedents from the Cheboigan band of Ottawa and Chippewa Indians who have lived for centuries along the shores of Burt Lake on Michigan's Lower Peninsula. The band, recognized by the Federal Government through various treaties and Federal court cases, was terminated by the Bureau of Indian Affairs without the approval of Congress earlier this century. H.R. 948 would restore the Federal recognition of the band by reaffirming the Federal Government's previous recognition. H.R. 948 is long overdue, and I recommend its passage by the House.

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

The SPEAKER pro tempore. Does the gentleman from New Jersey yield time to the gentleman from Michigan?

Mr. SAXTON. I think the gentleman from Michigan would just as soon wait to hear from the opposition, and then I will be happy to yield to him at that time.

Mr. SHAYS. Mr. Speaker, I am happy to reserve my time until we hear a presentation of the bill.

The SPEAKER pro tempore. The gentleman from Connecticut reserves the balance of his time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's generosity in sharing his time.

Mr. Speaker, I want to thank the gentleman for bringing this bill to the floor today. The legislation before the House today would simply reaffirm the relationship between the Burt Lake Band of Ottawa and Chippewa Indians of Michigan and the U.S. Government. This tribe has a long history with the United States Government, dating back to the Treaty of Washington in 1836 and 1855 Treaty of Detroit.

Although the Federal Government promised the Burt Lake Band a tract of land encompassing 1,000 acres for its reservation, the tribe never got the land. In fact, this tribe has suffered one of the worst injustices in our government's sordid history with Native Americans.

After the tribe signed 2 treaties with the U.S. Government in the 1800s, land was held in trust for the tribe by the governor of Michigan. In 1878, the land was unexplainably put back on the tax rolls and was eventually bought by a land speculator.

In the fall of 1900, in my father's memory, during his lifetime, my father recalls this, the local sheriff evicted the tribal members from their own homes and burned the tribe's village to the ground. It is from the ashes of this tragedy which has been told to me by my father that this tribe seeks reaffirmation today.

Mr. Speaker, this tribe deserves to have its relationship with the Federal Government reaffirmed. I urge the Members of this House to support this bill.

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

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

To my colleagues on both sides of the aisle, I rise in strong opposition, not to recognition of any tribe necessarily, but to recognition of a tribe through a legislative process rather than through the Bureau of Indian Affairs.

The fact is that this bill, as it is titled, is to reaffirm and clarify the Federal relationship with the Burt Lake Band as a distinctly recognized Indian tribe and for other purposes. What we are trying to do is circumvent a process of petition before the Bureau of Indian Affairs, while the Bureau of Indian Affairs is trying to determine that while you were once a tribe, does this group of people still constitute a tribe today. That is a process that is in the works today. As the Bureau of Indian Affairs has stated, they expect to know within 6 months whether or not they can recommend that this tribe should be Federally recognized.

Please know that when we recognize a tribe, we are giving them a status as an independent nation, notwithstanding the other benefit that they can establish a gaming institution.

For the purposes of this debate, I would like to point out on the floor what we are deprived of hearing right now, but what the Resources Committee heard in this statement from Ada Deer, the Assistant Secretary for Indian Affairs under the Department of Interior, supporting what basically had been told to this tribe 2 years earlier, and stated directly by the Secretary of the Interior. Her testimony before the committee on June 24 begins:

> Good morning, Mr. Chairman and members of the Committee. Thank you for the opportunity to present the views of the Department of the Interior on H.R. 948, a bill to ''Reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct Federally recognized Indian tribe''. The Department appreciates the interest the committee has expressed in recognition matters.

And then she continues:

> Although we acknowledge and respect the Congress' authority to recognize Indian tribes, we have serious concerns with H.R. 948 because of unresolved questions about the group's history, community, government, and the nature of the membership to be acknowledged. These are concerns that cannot be resolved at the present time without a detailed review of the facts and documents presented by this group. Knowledgeable members of this group have raised significant concerns with the BIA concerning the membership of the band. Preliminary research indicates that while the current leadership and a substantial body of new members affiliated with them may have ancestry from the historic band in the 19th century, they may not have been part of the tribal community and have not resided close to the historic homeland of the band for over a hundred years. This raises significant questions within the BIA about how the community wishes to define itself.
>
> This has also caused political dissension within the group. A related concern is that the group's present membership criteria appear to create the possibility that a large number of individuals with no ancestral ties to the ''historic Burt Lake Band'' or no Indian ancestry at all could be added to the group's membership.
>
> The BIA believes it is premature to consider acknowledgment, until the community resolves these questions. Although the bill states that it is to ''reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct Federally recognized Indian tribe'', the fact that a recognized Burt Lake Band existed at some earlier point in time does not automatically mean that a tribe presently exists. It is the responsibility of the Department to ascertain the maintenance of tribal existence for acknowledgment, notwithstanding previous tribal recognition.

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Then she said, ''See the decision of the Ninth Circuit Court of Appeals in U.S. v. Washington. The court rejected the argument that the group should

benefit from a presumption of continuing existence, just because their ancestors belonged to tribes with which the United States had signed treaties.'' This is what we are being asked to do.

''Without question, Congress has authority to recognize Indian tribes. However, we believe recognition would be premature even for Congress if it is yet to be established that the group has continued to exist as a social and political entity, as required of all other groups petitioning under established BIA procedures. The questions concerning the present composition of the membership requires this kind of detailed review.''

Then she continues,

During the 103rd Congress, legislative recognition and approval by the President ended the Department's review of certain Michigan acknowledgment cases. One of them, the Pokagon Pottawatomi, were recognized by Congress while the BIA was evaluating its petition. Stopping the administrative process has resulted in some problems for the band in defining its membership and in dealing with other issues petitioners normally resolve during the acknowledgment process.

Because of the importance of Federal recognition and the rights and services acknowledgment brings to tribes, the BIA cannot, at this point, affirmatively support this legislation. It is important that the group document its existence in anticipation of adjustments to existing State-tribal agreements on treaty fishing rights under U.S. v. Michigan.

''The BIA's acknowledgment process is designed to evaluate the facts and evidence pertinent to the Burt Lake Band and its members, and to provide pertinent information for resolving questionable and conflicting claims.''

The BIA maintains cordial working relationships with the Burt Lake Band leadership and the individuals working on their petition. Extensive technical assistance from the BIA Branch of Acknowledgment and Research has enabled the group to complete the documentation of its initial petition.

The petition is now fully documented and ready for review. A preliminary determination under Section 83.8 is that a Burt Lake Band was previously recognized as late as 1917. However, the historical membership issues raise questions which the BIA has not had the opportunity to fully research. The question of whether the present group's membership reflects the same tribe as the one that was previously acknowledged must be resolved in cooperation with the group. If this is the same group as previously acknowledged in 1917, it would substantially reduce the amount of work necessary to produce a decision on acknowledgment.

In conclusion, the BIA has provided technical assistance and conducted on-site visits as were promised to the Burt Lake Band's Congressman in 1995. The petitioner has subsequently completed its research. Real progress has been made and the case is moving forward. The acknowledgment process should be allowed to continue.

An evaluation of the Burt Lake Band's petition under 25 Code of Federal Regulations Page 83 will allow resolution of important continuing issues concerning the group, verification of the petitioner's claims, and demonstration of continuous historic existence, while taking into account past Federal acknowledgment.

That concludes her statement.

Mr. Speaker, I would petition and ask the Congress and the Members who are not here, and the staff that may be listening, that we defeat this bill. It certainly should not be on the consent calendar, as I would call it. It should be defeated, and the Bureau of Indian Affairs should be allowed to conduct its review. Their estimate is that it will take 6 more months.

I know the gentleman from Michigan [Mr. KILDEE], who is interested in this bill and is working for his constituents, would like to move now rather than later. I appreciate that. But we should let the Bureau of Indian Affairs work its will, or we should just abolish the whole process. That, I would say, would be a disaster.

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

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

Mr. Speaker, I would just like to say, in response to the gentleman from Connecticut [Mr. SHAYS], the gentleman is correct in that under normal circumstances we would all certainly prefer to let the Bureau of Indian Affairs manage those affairs which they have been delegated. Unfortunately, the history of this set of circumstances is such that I believe the great majority of the Members of this House believe that the action we are taking today is quite appropriate, and, in fact, perhaps more than appropriate.

Were we to step out of the way and permit the Bureau of Indian Affairs to complete their consideration, these things in the BIA take years. These people, these Native American people, have been waiting years if not decades to have their status as a recognized tribe restored. We can take an important step in that direction today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I rise today to express my strong support for H.R. 948 and for the reaffirmation and clarification, not the new certification and not a recognition, but a reaffirmation and clarification of the Federal relationship of the Burt Lake Band of Odawa and Chippewa Indians as a distinct federally-recognized Indian tribe.

The Burt Lake Band was an original signatory to the 1836 Treaty of Washington and the 1855 Treaty of Detroit. Pursuant to these treaties, the Burt Lake Band relinquished lands in the western half of the Upper Peninsula of Michigan and the northern half of the Lower Peninsula.

As a result of these treaties and the Burt Lake Band's subsequent treatment by the Federal Government, the Burt Lake Band was and is a federally recognized tribe. Shortly after the turn of the century, the Burt Lake Band lost all of its land as a result of illegal tax sales. They were forced from their homes, and as the gentleman from Michigan [Mr. KILDEE] pointed out, their village was burned to the ground by the local sheriff and a timber baron who claimed ownership of the lands pursuant to the illegal tax. The United States Justice Department subsequently filed suit to recover the lands as trustee and guardian for the Burt Lake Band in 1917.

Mr. Speaker, a tribe can only be terminated by an act of Congress, not by the administrative action or the inaction of officials of Indian Service or the Bureau of Indian Affairs. Congress has never, Congress has never, ever passed an act to terminate the Burt Lake Band. The Burt Lake Band continues to exist today. However, the administrative actions of the Indian Service of the 1930s amounted to and had the practical effect of an administrative and illegal termination of the Burt Lake Band.

The Burt Lake Band contends, and I believe justifiably and legally so, that since they were never legally terminated, they have been and continue to this day to be a federally-recognized tribe. H.R. 948 simply reaffirms the Burt Lake Band's recognized status, which they have never legally lost, and would commence to mitigate the injustice the Burt Lake Band has endured since the 1930s.

The gentleman from Connecticut [Mr. SHAYS] mentions the Pokagon Band Potawatomie and the Algonquin, which we recognized in the 103rd Congress. That legislation was enacted into law, once again reaffirming the status of three other tribes in the Lower Peninsula of Michigan who were likewise previously considered to be recognized tribes, but who, like the Burt Lake Band, were denied the opportunity in the mid-1930s to reorganize under the IRA.

The Burt Lake Band also had similar legislation pending in the 103rd Congress. Unfortunately, it did not come before the floor. The merits of the Burt Lake Band, the merits of the Burt Lake Band legislation and this bill before us today are actually, I think, stronger than the legislation Congress adopted in 1994 for the three other Michigan tribes. H.R. 948 should be given the same thoughtful, favorable consideration.

With that, Mr. Speaker, I thank the gentleman from New Jersey for yielding, and I thank him for his work on behalf of the Burt Lake Band and the other Native Americans throughout northern Michigan.

Mr. SAXTON. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Michigan [Mr. KILDEE] for his sponsorship of this piece of legislation. I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska, Mr. DON YOUNG, for his support, and certainly other Members from that side of the aisle for their support, especially our good friend, the gentleman from New Jersey [Mr. SAXTON].

Mr. Speaker, I also want to say that I have the highest respect for the gentleman from Connecticut [Mr. SHAYS] expressing his point of opinion on this piece of legislation.

I would like to share some bits of information with my colleagues about this bill, and why it is important that we should pass this legislation.

In the first place, this tribe, along with three other tribes in Michigan, were unilaterally terminated by the Bureau of Indian Affairs. It was not by an act of Congress. But it was in 1994 that three tribes in Michigan were federally recognized by this body, by the Congress of the United States: the Little River Band, the Pokagon, and the Grand Traverse tribes. So what we are doing, we are just simply correcting a deficiency that existed even for these two tribes. We were simply saying that the Congress has absolute authority to do this.

I want to share some information with my friend, the gentleman from Connecticut. The Federal administrative procedure, in recognition given to the tribes, is not working and has never worked. We have tribes, Mr. Speaker, on the rolls that it has taken over 100 years, and they are still not recognized by the Federal Government. It is a sad situation for our Government to recognize the fact that the Federal administrative procedures now, as applied by the Bureau of Indian Affairs, simply is not working.

I want to say to my friend, the gentleman from Connecticut, this is just simply correcting an error that was committed by a bureaucracy. It was not done by the Congress. The Congress has the absolute authority to give proper recognition, Federal recognition, for any tribe that wants to be recognized federally.

The problem we have also with the recognition process, some tribes have accumulated in excess of $500,000 to $1 million just to pay attorneys to try to apply for recognition. If a tribe has only 500 members, where are they going to get half a million dollars to seek recognition from this bureaucracy? Impossible. So what we are simply doing here is correcting an error that was committed by a bureaucracy.

I sincerely hope my colleagues will support this bill. We should grant Federal recognition to these two tribes.

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

Mr. Speaker, it is not an easy process to speak against any bill proposed by any Member, but unfortunately, the explanation we were just given is the reason why we need to clearly vote down this attempt to circumvent the Bureau of Indian Affairs, because really, then, what we are saying is it is going to be a political process. It is going to be what Congressman do you know? What Congressman has the power? It is going to also be: which Indian tribes have greater motivation to be recognized? Which tribes will be given independent status as a nation within our own country?

This is an extraordinary decision. I totally concede the fact that this tribe did exist in 1917. We just do not know, and we will not know until the Bureau of Indian Affairs, with their documentation, ascertains that the tribe that existed in 1917 is the same tribe that we want to recognize, with all the same historic lineage. For us politically to make that determination, frankly, boggles my mind.

Mr. Speaker, I would strongly oppose recognition. I would say to both gentlemen from Michigan that we are going to know in 6 months whether the Burt Lake Band will be recognized as a tribe. The BIA has done so much work on this application. It is likely that this tribe will be recognized. It is likely, but not certain. But there will be some stipulations along with that recognition as to who, in fact, are members of the tribe and who are not, which are not issues resolved in this legislation and will not be.

We should allow the Bureau of Indian Affairs to complete their work and not do an end run around the Bureau of Indian Affairs, a system that we, the Congress, established.

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

□ 1700

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, the point of this bill is to correct a wrong. The wrong was the BIA's incorrect decision to administratively terminate a tribe, a power they did not have. Now, we are asking the same BIA to treat them well when they violated the law in terminating them in the first place.

A few years ago, the Catholic parish in this area, who keeps the best records, one can go back and find their great, great grandfather's baptismal records, they know these Indians. The Catholic parish gave them 3 acres of land so they would have at least some land they could call their own, some of the same land that they had lost before.

We should certainly recognize what the locals, the European locals, the European Catholic Church recognized, that these were the same people whose homes were burned to the ground by the sheriff. The church gave them some land so they would have at least that recognition. I think we should do no less.

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

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

I just want to say that this is not the same BIA today that existed in 1917. It is just blatantly not a factually correct statement. The facts are that the Bureau of Indian Affairs was established and new processes were established by recent Congresses to get recognition out of the political process, which it is in right now, and give it to the experts.

We had testimony before the full Resources Committee from Ada Deer, the Assistant Secretary for Indian Affairs, who has given us ample reason why we cannot recognize this tribe until we know who is actually a member of this tribe. And we have testimony from the Assistant Secretary who says that there is dispute as to who are members and who are not.

I beg this Congress to take this out of the political process. Let this work be completed in the next 6 months. The Bureau of Indian Affairs is cooperating with Burt Lake. We do not have much longer to wait. But what a gross precedent we will continue to set by circumventing the Bureau of Indian Affairs.

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

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

Mr. STUPAK. With all due respect to the gentleman from Connecticut, in the 103rd Congress I had the legislation then to recognize the Burt Lake Band, and we were told it would only be 6 months, do not worry about it, we will get it taken care of. That was 4 years ago.

Mr. SHAYS. Mr. Speaker, reclaiming my time, let me just ask the gentleman, had they submitted a petition? Had they gone through the process?

Mr. STUPAK. Yes, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, I do not think they had. The petition was just recently submitted to answer the questions the Bureau of Indian Affairs had.

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, the first part of that petition was before 1994, in the 103rd Congress. And to keep asking for more information, they say, just one more piece of information, we will get it to you. This has been going on since 1917.

Mr. SHAYS. Let me say to the gentleman, if he withdrew this bill, I would not oppose this bill next year if the bureau has not completed its work. I have been told they have the documentation. They can proceed, and it will be done.

Mr. STUPAK. With all due respect, Mr. Speaker, I have been hearing that since 1994. Here is our opportunity today. I think we should move the bill.

Mr. SHAYS. Mr. Speaker, reclaiming my time, just to say that the petition is now complete and they are ready to take action. It would be a shame to now circumvent the process.

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

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 948.

The question was taken.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the eight bills just debated, S. 588, S. 589, S. 591, S. 587, S. 531, H.R. 1856, H.R. 1604, and H.R. 948.

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

There was no objection.

HELPING EMPOWER LOW-INCOME PARENTS (HELP) SCHOLARSHIPS AMENDMENTS OF 1997

Mr. RIGGS. Mr. Speaker, pursuant to House Resolution 288, I call up the bill (H.R. 2746) to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2746 is as follows:

H.R. 2746

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Helping Empower Low-income Parents (HELP) Scholarships Amendments of 1997''.

SEC. 2. DEFINITIONS.

Section 6003 of the Elementary and Secondary Education Act of 1965 is amended—

(1) in the section heading by striking ''definition'' and inserting ''definitions'';

(2) by striking ''(1)'', ''(2)'', and ''(3)'';

(3) in the matter proceeding subparagraph (A), by striking '' title the term'' and inserting the following:

''title—

''(1) the term'';

(4) by striking the period at the end; and

(5) by adding at the end the following:

''(2) the term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved; and

''(3) the term 'voluntary public and private parental choice program' means a program that meets the requirements of section 6301(b)(9), is authorized by State law, and includes 1 or more private schools to allow low-income parents to choose the appropriate school for their children.''.

SEC. 3. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

Section 6102(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

''(a) DISTRIBUTION RULE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), from the sums made available each year to carry out this title, the State educational agency shall distribute not less than 90 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

''(A) children living in areas with high concentrations of low-income families;

''(B) children from low-income families; and

''(C) children living in sparsely populated areas.

''(2) EXCEPTION.—A State that has enacted or will enact a law that establishes a voluntary public and private parental choice program and that complies with the provisions of section 6301(b)(9) may reserve an additional 15 percent from the sums made available each year to carry out this title if the additional amount reserved is used exclusively for voluntary public and private parental choice programs.''.

SEC. 4. USES OF FUNDS.

(a) STATE USES OF FUNDS.—Section 6201(a)(1) of the Elementary and Secondary Education Act of 1965 is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) by inserting after subparagraph (C) the following:

''(D) establishing voluntary public and private parental choice programs in accordance with section 6301(b)(9); and''.

(b) LOCAL USES OF FUNDS.—Section 6301(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) in paragraph (7), by striking ''and'' after the semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (8) the following:

''(9) voluntary public and private parental choice programs that—

''(A) are located in an area that has the greatest numbers or percentages of children—

''(i) living in areas with a high concentration of low-income families;

''(ii) from low-income families; or

''(iii) living in sparsely populated areas;

''(B) ensure that participation in such a voluntary public and private parental choice program is limited to families whose family income does not exceed 185 percent of the poverty line;

''(C) ensure that—

''(i) the maximum amount of a voluntary public and private parental choice scholarship does not exceed the per pupil expenditure of the local educational agency in which an applicant for a voluntary public and private parental choice scholarship resides;

''(ii) the minimum amount of a voluntary public and private parental choice scholarship is not less than 60 percent of the per pupil expenditure of the local educational agency in which an applicant for a voluntary public and private parental choice scholarship resides or the cost of tuition at a private school, whichever is less;

''(D) ensure that for a private school that chooses to participate in a voluntary public and private parental choice program—

''(i) such a school is permitted to impose the same academic requirements for all students, including students selected for a scholarship as provided under this paragraph;

''(ii) receipt of funds under this title is not conditioned with requirements or regulations that preclude the use of such funds for sectarian educational purposes or require removal of religious art, icons, scripture, or other symbols; and

''(iii) such a school is in compliance with all State requirements applicable to the operation of a private school that are in effect in the year preceding the date of the enactment of the Helping Empower Low-income Parents (HELP) Scholarships Amendments of 1997;

''(E) may allow State, local, and private funds to be used for voluntary public and private parental choice programs; and

''(F) ensure priority for students who were enrolled in a public school in the school year preceding the school year in which a voluntary public and private parental choice school begins operation.''.

SEC. 5. EVALUATION.

Part D of title VI of the Elementary and Secondary Education Act of 1965 is amended—

(1) by adding at the end of section 6402 the following new subsection:

''(j) APPLICATION.—This section shall not apply to funds that a State or local educational agency uses to establish a voluntary public and private parental choice program in accordance with section 6301(b)(9).''; and

(2) by adding at the end of such part the following new sections:

''SEC. 6404. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs established under section 6301(b)(9).

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to evaluate annually each program established under section 6301(b)(9) in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (1).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating each program established under section 6301(b)(9). Such criteria shall provide for—

''(1) a description of the implementation of each program established under section 6301(b)(9) and the program's effects on all participants, schools, and communities in the program area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the program; and

''(2) a comparison of the educational achievement of all students in the program area, including a comparison between—

''(A) students receiving a voluntary public and private parental choice scholarships under section 6301(b)(9); and

''(B) students not receiving a voluntary public and private parental choice scholarships under such section.

''(c) EVALUATION FUNDS.—Pursuant to the authority provided under section 14701, the Secretary shall reserve not more than 0.50 percent of the amount of funds made available under section 6002 to carry out this section.

"SEC. 6405. APPLICABILITY.

''(a) NOT SCHOOL AID.—Subject to subsection (b), funds used under this title to establish a voluntary public and private parental choice program shall be considered assistance to the student and shall not be considered as assistance to any school that chooses to participate in such program.

''(b) NO FEDERAL CONTROL.—The Secretary is not permitted to exercise any direction, supervision, or control over curricula, program of instruction, administration, or personnel of any school that chooses to participate in a voluntary public and private choice program established under 6309(b)(9).''.

The SPEAKER pro tempore. Pursuant to House Resolution 288, the gentleman from California [Mr. RIGGS] and the gentleman from Missouri [Mr. CLAY], each will control 1 hour.

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

Mr. RIGGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce.

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

Mr. GOODLING. Mr. Speaker, I really did not plan to participate in this debate today, but as I thought about it over the weekend, I kept thinking that there probably will be more heat and more emotion than facts. And I thought perhaps I could start it by simply calling some of the facts to my colleagues' attention.

The first thing they probably will hear is that this is anti public education. I can assure my colleagues, never under my watch will anything occur on the floor of the House that is anti public education. I would imagine 80 or 85 percent of us have graduated from public schools. I spent my first 12 years there. I also spent 22 years as a public educator. So I want to make very sure that we do not start out with the business, well, this is anti public education.

Our problem is, as I have said many times, 75 percent of our schools do well, 75 percent of our children do well in public education. In that, 25 percent, with some schools within those school districts, they do well.

However, in the 21st century, we cannot have 75 percent of our children getting a quality education; we have to have 100 percent. Why? First of all, we are in a very competitive world. If they cannot play a leading role, then we cannot as a society, we cannot as a country, continue to be the powerful Nation that we are.

Secondly, we cannot allow 25 percent of our children not to have a quality education if they are ever going to get a piece of the American dream. We decided a year or two ago that we positively were going to move them to the position where they can get a piece of the American dream. Without a quality education, that cannot happen. Let me tell you about the last 30 years. I was not the chairman of the committee the last 30 years. We were not in the majority the last 30 years.

We did program after program after program, well-intended, with the idea that we were going to find some way to make sure that all children have a quality education. Thirty years later, billions of dollars later, we still have 25 percent without a quality education. Who are they? They are the poorest of the poor, with no one to speak for them, with no one to take the bull by the horns and say, everyone will receive a quality education. Of course, we know testing is not going to give them that quality education.

The second thing you are going to hear: ''But we are taking Federal tax dollars for private and parochial schools.'' Again, I was not in charge the last 30 years, but I can read very quickly 17 programs where this happened during the last 30 years: Title I, Education for the Disadvantaged; title II, Teacher Training; title III, Education Technology; title IV, Safe and Drug-free Schools; title VI, which is what we are talking about today, used by private and parochial schools, Innovative Education Program; title VII, bilingual education; Part E of title XIV; Goals 2000; IDEA; transfer of excess and surplus Federal computer equipment; child nutrition programs; child care development block grants; national service; National Endowment of the Humanities; National Endowment for the Arts; National Science Foundation; nonimmigration students, just to mention a few. These are all private and parochial schools using Federal tax dollars. It is the law. It did not happen during my reign; it happened in the 30 years prior to that.

The third thing Members are going to hear is that we are taking money from public schools. That is not true either. The appropriators have seen fit to add $40 million to title VI, not taking anything away from anyone. They are adding $40 million.

The next thing I would like to make sure Members understand, this legislation has a very, very narrow scope. Why does it have a narrow scope? Well, I think it is called pleasing the chairman. Now, what is in that narrow scope? Why is it so narrow?

First of all, we have never told a State legislature before that they have to pass a law to participate in title VI. In this legislation, we say to the State legislature, for the first time, if anybody is going to use any of this title VI money, for public and private school choice; they must pass a law. We never did that before in title VI; we sent them a block and they did their thing. Now we say they must pass legislation. That will take a while.

Secondly, the State and the public schools must then determine whether they want to use any of the title VI money for that purpose. They do not have to use any of it.

Again, I hope that by introducing some of these things that are fact rather than an emotional discussion of the issue, that Members will understand exactly what we are doing. I want to repeat what I said earlier. We positively have to find a way, if we are going to remain a viable entity in this world in the 21st century, to ensure every child has a possibility of a quality education.

We have tried, and we have tried, and we have tried, and it was all well meaning. We did not succeed. Now we want to try something a little bit different, nothing new; it is still part of title VI. But let us make sure that every child, no matter how poor the family may be, no matter how terrible the conditions may be in which the child lives, that they do have an opportunity for a quality education.

Mr. CLAY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in 1965, Congressman Adam Clayton Powell, chairman of the Committee on Economic and Educational Opportunities, gave a forceful speech advocating a greater role of the Federal Government through passage of the Elementary and Secondary Education Act.

□ 1715

In that great speech he said, ''We are compelled to give our most sincere and dedicated attention to the masses of our American youth, youth who give America new vision and new goals. We must not wait any longer. It is later than you think.''

Today, Mr. Speaker, we are witness to the Republicans' contempt for the masses, for the 50 million children who attend public schools. Today, they bring to this floor a bill that would steal almost $2 billion from our public school systems. This proposal sends a clear and chilling signal that the Republicans have declared war on public education.

The most cynical and pernicious provision of this bill is the wholesale and deliberate denial of civil rights. The parents of low-income students who fall for this voucher scheme will be shocked to learn that their children will attend a private school that has no obligation to protect them from discrimination on the basis of race, sex, national origin, or age. The blatant disregard for civil rights fostered by proponents of this bill is an abomination.

Mr. Speaker, yesterday I received a letter from the Leadership Conference on Civil Rights vehemently opposing this Trojan Horse. In that letter, it was pointed out that under this bill, and I quote, ''Private schools could permit widespread and severe racial harassment of students in class, provide female students with inferior athletic facilities, and refuse to make any accommodations for disabled students.''

The letter concludes, ''In short, H.R. 2746 would allow private schools to ignore the civil rights laws that have long protected students in federally funded education.''

Mr. Speaker, this bill is an outrageous abandonment of civil rights. I find it ironic that the Speaker of the

House stood on the floor of this House last week expressing compassion for little black children, while in fact this bill is striping away 30 years of civil rights protections from the very children he professed to help.

Mr. Speaker, in all of my years in Congress, I have not heard so many in this Chamber, who for years have refused to look beyond race and poverty, to see the human needs, now plead so eloquently for those who are victimized by their race and economic condition. No one should be deceived by the false promise that this bill is about saving poor children from the debilitating fate of inner-city schools.

Last year, Republicans in this House fought with every fiber of their being against increasing the minimum wage. In the 104th Congress, 223 House Republicans voted to cut child nutrition programs by $10 billion and to eliminate the Federal school lunch program entirely. Where was their compassion then?

If proponents of this bill are genuinely concerned about bad schools in black neighborhoods and want to give real choice to poverty stricken and educationally deprived students, let them mandate a program to give poor children the opportunity to attend any public school in the area, even in the most affluent neighboring school districts. That would be real public school choice. No reasonable, fair-minded person would deny that schools in more affluent areas have greater resources and their students receive a more complete and demanding education than children in poor neighborhoods.

This voucher bill has been condemned by a broad coalition of education groups because it does nothing to address crumbling and overcrowded schools or to improve teacher performance for the 50 million children now attending public schools.

I challenge the Republican leadership to stop playing politics with America's school children and to stop bashing public schools, parents, and teachers. I challenge them, Mr. Speaker, to embrace America's public schools instead of attacking them with this deceitful voucher scheme.

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

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

Mr. Speaker, let me say that this subject of giving parents more choice to select the school and the educational environment that is appropriate and best for their child is too important to be demeaned by the distinguished ranking member of the full committee, who is perhaps trying to conjure up a ghost from the last Congress.

Apparently, he and members of his party are still denying that, slowly but surely, the Contract with America has become a reality. But the fact of the matter is we never proposed eliminating the school lunch program. We did propose block granting it to States and local education agencies to make it more efficient in order to serve more children.

That said, let me say that I believe there are many Members on the other side of the aisle who want to show contempt for the fundamental right of parents to choose, who do not believe that we need improvement through competition and choice in our education system today, who are fundamentally opposed to parents having the freedom to select the education again that is best and most appropriate for their child.

So I say to them, let freedom reign in education. Let those who are less privileged, those who cannot afford to attend the better schools that might be financially beyond their limits, let them have the same right, let those families have the same right as more fortunate and more affluent families.

And understand this, we have too many school children in this country today who are missing out, who are not getting the kind of education they need to prepare them for the 21st century. And that, my colleagues, is the real disgrace and the real tragedy that we ought to be debating in this Chamber, not raising red herrings.

Now, how do they explain opinion poll after opinion poll showing that an overwhelming number of the American people, particularly adults of childbearing age, now favor parental choice in education? How do they explain that away? And why do the numbers go through the roof when we talk about minority parents? Could it be because they are the ones that are right there that have the best knowledge of this issue, that have the greatest concern about the future well-being of their children? That would only be natural for them to have those sentiments. And every one of us who is a parent, who is faced with the ultimate responsibility of bringing into and raising another child in this world, ought to understand those sentiments, ought to sympathize with those parents, and ought to get behind the move to inject more competition and choice in our school system today.

Schools should be a magnet and not a trap. Let me tell my colleagues one thing I believe to the core of my being, and that is the education system we have in America today will reform itself, it will improve itself only when parents are free to choose the schools that they think are best able to educate their children.

And we are seeing, to their credit, many school districts around the country beginning to respond to the demand on the part of consumers, parents, and guardians for more choice, seeing them respond to that demand for competition by presenting more educational options for parents, whether it be home schooling, private school choice, public school choice, as we will be debating on the floor later tonight when we talk about more Federal taxpayer funding for public choice schools, independent charter schools. But school districts are responding to their credit.

We have to address this problem. It is not going to go away. To the extent we have a growing gap, an inequity in American society between the haves and have nots or have less, it is an education gap. There is a growing gap between the rich and poor in this society. And it is no accident. It begins as a gap between the well-educated and the poorly educated. And for all of us concerned about the quality of education in America today, I submit to you that is a problem that we ought to address together in as nonpartisan a way as possible. But more importantly, for the students who will be the future have-nots, the students who are receiving a poor or inadequate education, for them and for their families, it is a tragedy and a national disgrace.

Let me tell my colleagues what this bill does very simply, because it is a very, very modest bill. It amends the title VI block grant, the old chapter 2 program, by permitting state educational agencies and local educational agencies to use their title VI education block grant funds, this is probably the most flexible source of Federal taxpayer funding for Federal education, to use those funds for public and private school choice.

But this has to be, unlike what we discussed in the last Congress, instead of a top-down nationally driven program from here in Washington, this has to be a bottom-up program. These funds could only be used in those States and local communities that have decided that they will at least experiment with school choice for those children, low-income children, because this funding is very targeted and it is means tested, only for those children attending unsafe or underperforming schools.

This is a bottom-up movement designed to tell community activists and community leaders across the country that if they believe they should have more choice, more parental control and freedom in education today, they can use this source of Federal funding to provide scholarships to low-income families in low-income communities. So that is what this legislation is about.

I am going to conclude my remarks. But I want to say simply again, I cited this poll on the House floor the other day, and I would love to hear my colleagues respond to it, from American Viewpoint. The public, when asked whether parents should be allowed more control to choose where their children are educated, answered overwhelmingly, two-thirds to one-third, 67–28, that parents should have the right to choose the education that is best and most appropriate for their child, the best learning environment. And that is what this is about. Schools exist to serve children, not bureaucracy.

And lastly, from the first presidential debate in the last election campaign in Connecticut between the

President and Bob Dole, the Republican nominee for President, these are the President's comments: ''If you are going to have a private voucher program, that ought to be determined by States and localities where they are raising and spending most of the money.''

That is exactly what this HELP scholarship legislation does. And I defy my colleagues to show me where it does not. If we are going to have a private voucher plan, that ought to be done, in other words, that ought to be determined at the local level or at the State level. Again, that is what this legislation does. It says to State and local communities, you have that option, you have that right. And in those communities, and we will talk hopefully more about them, like Cleveland and Milwaukee, in those 18 States that already have some form of school choice, we are saying you can use your Federal funding to expand those programs. And to the rest of America, we are saying, it is time now to give choice a chance.

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

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the gentleman from California [Mr. RIGGS] uses the term ''demeans.'' We feel it is this very bill that demeans public education, just as his vote to cut $137 million from Head Start demeans public education, just as his vote to eliminate the school lunch program demeans public education. You are going to give choice to those on school lunch, the choice to not have any lunch.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Speaker, I want to thank the gentleman from Missouri [Mr. CLAY], the ranking member, for yielding me the time.

Respectfully, I want to remind the chairman who spoke a little earlier about the last 30 years. He was a part of a committee that developed bipartisan legislation in that committee over 3 years and Even Start was his, and it was a good bill and we all supported it. But for him to say this bill will fix education befuddled me. He was an educator, and he knows better.

Mr. Speaker, giving people a chance or a choice is a smoke screen. People have the choice now. All of us can send our kids to private school if we want to, and low-income people are doing it every day. They are sacrificing to do it because they want either more discipline or they want a better education or a religious education for their children. But the taxpayers are not paying for it.

Mr. Speaker, in my opinion, this is the extreme right's modern version of white flight from our cities. Just like we abandoned the poor parts of our cities when there were elements that we did not like and we left them to decay, this bill will leave our public schools in ruin in search of a panacea for just a few.

I would ask the chairman, where are the 90 percent that are going to be left behind that are not going to be served by this? This bill guts the very basic opportunity afforded to children, the opportunity to learn.

Mr. Speaker, the American people and my colleagues who have listened to Friday's debate on the rule heard the gentleman from California [Mr. RIGGS] condemn me for recognizing that Republicans are really doing the bidding of the conservative Christian Coalition in their advocacy for these ill-advised voucher proposals. Whether they know it or not, they are doing that.

The gentleman from California [Mr. RIGGS] even went so far as to say that my comments were, quote, beneath me. I can assure the gentleman from California [Mr. RIGGS] that I am the best judge of what is and what is not beneath me, and I never regard the truth as being beneath me.

To prove my point, why do we not take a look at some of what the extreme right has said about public schools in America. And if my colleagues want to look at the chart to my right, they can see, and I will read it for them. Pat Robertson, the founder of the Christian Coalition, states, ''The public education movement has also been an anti-Christian movement. We can change education in America if you put the Christian principles in and the Christian pedagogy in. In three years, you would totally revolutionize education in America.''

□ 1730

And Jerry Falwell, our favorite Christian:

''I hope to live to see the day when we won't have any public schools. The churches will have taken them over again, and Christians will be running them. What a happy day that will be.'' America Can Be Saved.

Clearly, public policy is not driving Republicans to bring these voucher bills to the floor of the House. Rather, it is obvious to me it is a political debt that the majority feels it must repay. Shame on those who would use our children and their educational opportunity as an affirmation of an extreme right conservative view of the world. Let us consider the agenda on which these people brought this to the floor.

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

I stand by my earlier comments. I do not believe that Christian bashing ought to take place on this floor. I deplore the use of the race card and race baiting. I really think it is inappropriate.

Mr. Speaker, when African-Americans of childbearing age are polled, 86 percent support government-funded, taxpayer-funded vouchers to send children to the public, private or parochial school of their choice. As the gentleman very well knows, we already have taxpayer-funded choice in both preschool, child care and in higher education, and I have never heard him voice any objections to that.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

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

Mr. Speaker, I rise to support this legislation today. Freedom is about making choices. This country was founded upon religious freedom, religious choices, because in other countries they were not given that right. We have tried a lot of monopolies in this country, controlled monopolies. Transportation, trucking, airlines, utilities and our package delivery system were run and controlled by monopolies. We found out that they were not very efficient, they did not provide very good cost-effective service, and we have been slowly decontrolling all of those and still are today.

A few years ago the auto industry and the Big 3 were a monopoly in this country. They were a monopoly until in the 1980s. They did not take the consumer into view. Then in came the Japanese and the Germans and the Swedes, and the Hondas and Toyotas and the Nissans entered the marketplace and caused real pain in America, because they took away that monopoly. But what happened? Did it destroy our auto industry? No, it made it stronger, it made it healthier, and more dominant in the world today than ever.

At least 80 percent of our schools are good. If we doubled the funding for education, problem schools would remain. We will spend $300 billion for elementary and secondary education, and someone said here erroneously that we were going to take $2 billion away from public schools.

This bill is about $310 million in a title 6 block grant. If one-ninth of that goes to choice, that is .01 percent of the basic education budget. Why should our poorest who are failing schools have no choice? Our Congressmen have choice, our Senators have choice. The leaders of this country have choice because they can afford it. The poorest cannot.

What are we afraid of? A very small pilot project that only helps States who have voted on the public record to have some choice pilots. If students leave a school in meaningful numbers, what will happen is this: The school will fix the problem. The study done by Harvard already shows that. If you have weak math or weak science, or a drug-infested school or an unsafe school and students start to leave, the school will fix the problem.

We will improve public education. Competition brings excellence to everything. Higher education works. It worked in autos, transportation, and

the package delivery system. Is the education of our children not more important than all the ones above? Is it not giving Americans a choice, and we are starting with the poorest who are trapped in schools that are not delivering, that are not giving them an appropriate ability to get a good education.

Mr. Speaker, there is nothing to be afraid of. I urge Members to support this legislation and give them the same choices that congressional leaders have.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, in the first place, I did not bash any Christians. I bashed two particular people for what they said.

Number two, we have had choice from the beginning of the time this country started. There have always been private schools out there. In fact, there were private schools before there were public schools. That competition has never improved the public schools to this day. People do have choice, and poor people have choice. This is not choice for poor people. This is choice for rich people.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

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

Ms. WOOLSEY. Mr. Speaker, a sound public school system is the way to prepare 100 percent of our children for the high-skill, high-wage jobs that will ensure America's leadership in our world marketplace in our future. At the same time, Mr. Speaker, a good, sound public education system prevents dependency on welfare at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all. It does not discriminate and must be strengthened, not weakened.

There is no question that the bill before us today will profoundly harm our public schools. This bill gives precious education dollars that public schools need to private and religious schools. Supporters of this bill say that it ensures parental choice in education, but we all know that private schools self-select their student body, and no voucher plan is going to change that. Parental choice is meaningless when it comes to private schools and self-selection.

What this bill does is make it easier, by adding $40 million to the budget, for a chosen few to go to private schools while leaving the majority of American school children in public schools. This is not acceptable.

Mr. Speaker, I am proud to speak up for public education in America. It is not perfect, but the solution to the problems with our public schools is not to give vouchers to a few kids. The solution is to fix our schools. Put that $40 million toward improving public education so that all children want to be in a good public school.

The supporters of this bill act as if vouchers are a magic bullet for American education, but H.R. 2746 does not help teachers or give them more opportunities for professional development. It creates yet another gap.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I am very pleased that Speaker GINGRICH and his supporters have finally realized that the American people really do want the Federal Government to play a role, a vital role, in improving our schools. It was just a few months ago that the Republicans had a different approach. They had a big ax out here. They were ready to cut school lunch. They were ready to cut Head Start. They wanted to cut down the Department of Education and essentially terminate any Federal commitment to education. It was really only just a few weeks ago that they were right here on the floor of this House derisively referring to our public schools as government-owned schools.

Today they come forward with their big solution. They want to offer choice. We are all for choice, and the choice that they want to offer public education when we read the fine print of this bill is the choice to do without, the choice to do without the moneys to get the job done to educate our children.

It is a clever approach. They call it a help bill, but everyone who is familiar with the demands that are placed on our public schools recognize it is nothing but a hurt bill. It puts a big hurt on public education.

The whole bill reminds me a little bit of the fellow who was trying to come to my hometown, Austin, TX. He got lost over in the piney woods. He walked up to a fellow at a service station over there and asked how to get down to the state capital. The old man scratched his head and said, ''I don't rightly know, but I sure wouldn't start from here.''

Mr. Speaker, we sure do not want to start from here siphoning off money from public education. Unlike some earlier attempts, this bill is mighty clear. It will take money away from public education and give it to private parochial schools. I guarantee Members that folks like Jerry Falwell who says, ''I hope to live to see the day when we won't have any public schools, what a happy day that will be,'' they have a stake in this because they are going to be the beneficiaries of robbing public education to help the few in private education.

I am all for private education, even though I am a graduate, as are my children, of the great public school system in central Texas. But let the parents pay for that private education, and use public resources not to fund Mr. Falwell, but to help our children.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, considering this as legislation that will give parents the right to select a private school of their choice is an absolute distortion. It will give a select, privileged few an opportunity to select the school of their choice if they can afford the difference between what the voucher is and the cost of the education.

Furthermore, Mr. Speaker, we talk about the polls that show support. What we ought to do is look at the referendums that have been taken across the country where people have had an opportunity to reflect for an entire campaign and get educated about the idea, not just a knee-jerk reaction to a poll. When we look at the referenda when people go to the polls and vote, these ideas are rejected by margins of approximately 3 to 1. And so we ought to look not just at knee-jerk reaction to the polls, we ought to look at what these bills actually do. I associate myself with the comments of many of the others.

I just wanted to point out one little trickery in this bill. There is a provision that declares that receipt of the voucher shall not be considered as assistance to any school. That kind of language looks innocuous on its face, but it will provide that the Federal Government cannot enforce anti-discrimination procedures against those schools. For example, religious and national origin discrimination cannot be enforced. Racial discrimination cannot be enforced by the Federal Government. There would have to be individual suits, one after another. The Department of Justice cannot invoke the situation where they can withdraw funds. David Duke academies could be funded without the enforcement of civil rights.

What is this language doing in the bill? It only gives exemption from Federal civil rights enforcement, and that is why we need to defeat the bill. It is under a closed rule. We cannot use an amendment to take that language out. We need to defeat the bill. This $50 million education gimmick will only take money from our public schools. We need to defeat the bill.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds.

The money under this legislation would flow to parents, and this bill targets low-income communities and low-income families in States that have enacted into law school choice legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. Riggs] and the committee for doing something that is probably long overdue in this country, and that is giving people choices that they have yet to have. If you are a parent sending your kid to a public school system and you are pleased with it, good for you. If you are a parent sending your kids to a public school system

and you are worried about them, that you are afraid they are going to get beat up or they are going to meet a drug dealer when they go in the door, or that the plaster is falling down on them, or somebody at school really does not have their best interests, well, there is a new crowd in town giving you some options you never had. There are some friends on this side of the aisle who agree with this idea, and there are some that do not, but this is a debate long overdue to be had in this country.

□ 1745

Public schools in this country by a large extent, I think, do a great job. I am a public school graduate, but there are places in our country where nobody in this building would send their child, and we need to do something, and all we hear is, spend more money, spend more money, spend more money.

Do my colleagues know what makes someone better? Competition makes them better. It will make us a better Congressman when somebody will run and want to take your job away. It will make the public school system better, where they failed, if there is somebody else in town that can take that child and do a quality job and give the parents the choice that they are lacking today.

This is a pilot project, but this is really a debate about the status quo versus reform. We spent money in the name of spending money. Forty years later, we have got a situation that is never going to change by just spending money. If my colleagues want to improve anybody's state in life, provide some good healthy competition.

And this finally addresses the basic problem of public education. It is a monopoly that does not respond to anything in some situations, and now there is a new act in town where parents, nobody else but mom and dad, get a choice that people in this room can afford but they cannot.

And if someone is doing a good job as a public educator, they have no fear from this. If they are failing the parents in our communities, we better get better, and it is probably not good English, but we better get our act together, because people can go somewhere else if we have our way. It is long overdue.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, let me just say to the gentleman from South Carolina that we say this is declaring war on public education, that the first shot was fired when he voted to eliminate the school lunch program, that the second shot was fired when he voted to cut Head Start by 137 million, and now, when we take 10 cents on the dollar out of public education and give it to private education, that is another shot in the war against public education.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, the gentleman from California responded to some of the things I said but did not respond to when I said, shall not be considered assistance to any school, and I was wondering if somebody over there could respond to the effect of that language on special education students and the ability of private schools to discriminate on national origin and the effect of that language on the Department of Justice enforcing civil rights laws of the country.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to say and point out, and I would appreciate if the gentleman would not interrupt me then, let me just say, if I understand Mr. SCOTT correctly, I think he is arguing that they might support this proposal if only they could regulate the private schools in America.

Mr. Speaker, I yield 15 seconds to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I would like to respond; my name was mentioned.

We are declaring war on people who just want to write checks as politicians and go home and feel good about it and still leave the crummy school system behind. We are declaring war on the status quo. We are fighting for parents. That is the war we are engaged in, and we choose the parents over the entrenched bureaucracy, and we are going to win that war.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Speaker, there are many good reasons to be skeptical about the bill before us, but the most important is often left out, and I want to say before I go any further that the gentleman from California and I have worked together in an attempt to do exactly what I am talking about.

It is because school choice has been so widely talked about but has not been scientifically evaluated on a sufficient scale to draw concrete conclusions that I believe that the gentleman has come up with an improved accountability section of this bill. Evaluation is critical if we are to succeed or if we are to avoid monumental failure in this experiment of some size. Parental satisfaction is important, but it is wholly insufficient to measure the efficacy of choice on such a broad scale.

A bill that is serious about a voucher experiment would include statutory requirements for a whole range of considerations, some of which I believe may well be included in the gentleman's bill but which go beyond many of those which are enumerated. And they talk about data on transportation problems and solutions, the effect on siblings within a family, the changing patterns of school enrollment by type and demographic characteristics. The list goes on and on.

In short, this bill has a better evaluation component than most of the voucher demonstration programs that have been proposed in the last few years. And this is the critical point: This is not a demonstration program. We are finally getting closer to the kind of evaluation we would need if, in fact, we were doing a demonstration program, but we have it on the wrong vehicle.

This is a huge and costly experiment with the lives of millions of children, and its emphasis on parental satisfaction matches the serious focus needed on cost benefits and measurable change in student performance. Whether or not politicians agree about the value of choice, the consequences fall on the lives of real children. We simply cannot afford to proceed without a mechanism for knowing whether we are right or wrong.

Mr. RIGGS. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. WATTS], a cosponsor and one of the most prominent, passionate, and articulate proponents of parental choice in education on this legislation.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from California for leading the effort in fighting for what I believe is very important legislation.

Mr. Speaker, my father, who spent 2 days in the seventh grade, that is the extent of his education, he said to me once when I was about 45 days from graduating from the University of Oklahoma, he said to me when I would go home sometimes on the weekend and we would sit up in his front room and we would solve all of America's problems according to the book of Watts, and this particular evening about 2 o'clock in the morning it was time to retire, and daddy said something to me that I will never forget. He said to me, as you know, Junior, he said, I think I want to go to college. And I said, Daddy, why go to college at 57 years old, a double bypass heart patient, mama is diabetic, got this church with a pastor, got these cows, these rental properties being taken care of? Why did he want to go to college? He said, I would like to see what makes those guys fools after getting out. He said, those guys refuse to use common sense.

Now, common sense would say to us, or should say to us, that we have got kids in America today in the inner cities that go to schools where they have to walk through metal detectors, that they carry guns, people carry guns, people carry knives, that those kids cannot learn in that environment.

Now, Mr. Speaker, we have heard the debate today and we have heard both sides of the argument, and I think we need to separate fact from fiction. Now consider this. Common sense would say, or should say, to us if we are fighting and we are saying we are debating and we are saying that if we give poor parents the right to choose where they want to send their kids to school, that

they are going to choose a private school or private faith-based school.

Now, Mr. Speaker, what does that do? What does that say to us? That is saying to us that if we give that parent a choice, they are going to choose the private school or the private faith-based school. That, in itself, is an indictment on poor schools. We are not indicting public schools. Those who say that we are hurting public schools, they are the ones that are indicting public schools.

And then we hear, we hear this. We say we cannot use this legislation for kids to go to other public schools. With these HELP scholarships, kids can go to other public schools, they can leave the school that is not working and go to a public school that is working. Or those parents can go to a private school or private faith-based school.

Frederick Douglas said this: He said some people know the importance of education because they have it. He said, I knew the importance of education because I did not have it. And, Mr. Speaker, we are sending our kids to schools every day of their lives, we are putting them in schools that are failing them every day of their lives, and when they get out into the job market to compete for good jobs, to compete in this global marketplace, they will not have the reading, writing, arithmetic skills, computer skills to compete in a global marketplace.

And then we say we hear, well, they are taking money away from public education. Let me tell my colleagues who is taking money from public education: The prison system. In every State in the Nation, we have an average of about—in the State of Oklahoma, I think we spend about $25,000 per year per inmate. And look at the inmates. We do not give them the proper reading skills, the proper writing skills, the proper arithmetic skills, the proper computer skills. Do my colleagues know where they end up? They end up in jail, they end up in prison, and then we spend 20 to 30 thousand a year to keep them in prison to house them. That is where our public education dollars are going.

Mr. Speaker, I say let us give this legislation a chance, let us pass this legislation, give those poor parents who are trapped that the Government has mandated that they must send their kids to schools every day that fail them. With this legislation, those poor parents will have a chance to get their kids out of those schools that failed, into schools that worked, public schools, private schools, or private faith-based schools. Give these parents a chance.

Let us support this legislation.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I respectfully say to the gentleman that he is passionate all right, but I believe he is passionately wrong, and when he comes to the floor and votes to cut the school lunch program, votes to cut Head Start by $137 million, and then comes back to the floor and says, today I am here to help, there is a little bit of a credibility problem.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Indiana [Ms. CARSON].

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

Ms. CARSON. Mr. Speaker, I rise in opposition to H.R. 2746.

Mr. Speaker, education reform can succeed only if it benefits all of the students and not just a select few. To stand here on the floor of this august body and suggest that public schools manufactured the social problems that have been extolled here today such as guns, such as drugs, such as crime, such as teenage pregnancy, is a cruel hoax. Let us not try to fool the American people, and let us not be fooled ourselves.

The vouchers in this bill are also a cruel hoax. They do not give all parents a choice in education. This proposal would not provide nearly enough money to pay for private school tuition for all children. With record enrollments, crumbling buildings, and the growing threats of crime and drugs that our public schools did not create, public schools are facing greater challenges than ever before.

Children in public schools across the land do not have the basic materials that they need to get an education. Diverting resources to private schools is not the answer. Surely we can put the money to better use.

Public schoolchildren need text books, library books, and other fundamental tools for learning. The globalization of the economy poses greater challenges to our children than those ever faced by previous generations, including myself. Today our children need math, science, and training in computers to be able to get on the first rung of competition for the jobs of the 21st century. Public schools need the resources to meet these challenges.

I urge in the strongest possible terms that H.R. 2746 be defeated.

Mr. RIGGS. Mr. Speaker, I yield 10 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, it is interesting that the gentleman from Texas talked about what happened. It is interesting that in the school lunch program we put $200 million more in our program than the President offered in his. So that is amazing to me how that is a cut. And, secondly, this is one of the same people that said we were gutting Medicare to give tax breaks to the wealthy, one of the same people that said we could not cut taxes and balance the budget at the same time when we have done all those things. So, you know, let us separate the facts from the fiction and let us talk about the facts today.

Mr. RIGGS. Mr. Speaker, I yield a minute and a half to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Speaker, I rise in support of this legislation. I have been on the education committee now for 10 months, and I have not yet heard any Member stand up and brag about the public school system. Everybody seems to be critical of the system, and everybody has suggestions on what we can do.

I think the problem with the school system has definitely gotten worse since we have gained control of the public school system at the national level. There is pretty good evidence to this, and I think a new program and new expenditures up here will not do the trick. This program, however, does not fall into that category.

I believe that the States ought to have the right to set up one of these programs where scholarships can be offered. This is quite a bit different than mandating and dictating a brand new program and new appropriations. So I think this is a step in the right direction.

We should not be fearful of choice; we should not be fearful of competition. If we are serious about education, I think we should get beyond equating good education with the school lunch program. I cannot quite see the analogy of saying a good lunch is equivalent to good education.

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But, more Federal programs will not solve the problem, and I believe very sincerely that if we allow some choice and if we allow some competition, we might see some improvement.

I do not believe this program is going to solve the problem of our educational system. We have serious structural problems. Some day we will have to look at the history of the public school system and look to the time when the public schools worked much better with local control and local financing.

Mr. Speaker, I appreciate the opportunity to express my support for H.R. 2746, the Helping Empower Low-Income Parents [HELP] Scholarships Amendments of 1997. The HELP Act allows States to use title VI funds for school voucher programs if the State has a voucher law. Nothing in this bill forces states to adapt a voucher program, states without voucher programs will not lose a penny of federal funds. HELP does not create a new federal program, nor does it provide a justification for an increase in federal education funds. Furthermore, this bill addresses the legitimate concerns that federally funded voucher programs will lead to state regulations of private schools by explicitly stating that receipt of these funds cannot be used as a reason for force religious schools to alter their curriculum, or force private schools to change their admission requirements. Additionally, participating private schools must only be in compliance with state regulations in effect one year prior to passage of the HELP Act.

Under 10th amendment to the Constitution, the question of whether or not to fund private-school voucher programs is a left solely to the

state and localities. However, congressional activism has undermined state and local control of education as the federal education bureaucracy has grown increasingly powerful. Thus, many states now feel compelled to obey federal dictates and only engage in those education policies for which they can receive federal funds.

Individual states, localities and, in many cases, even private citizens cannot afford to support education programs without financial help from the federal government because of the oppressive tax burden imposed on the American people by this Congress! Congress then ''returns'' the money (minus a hefty federal ''administrative'' fee) to state governments and the American people to spend on federally approved purposes.

While the very existence of federal education programs and funding is an insult to the Constitution, and while the most effective education reform to entirely defund the federal education bureaucracy and return education funding to America's parents through deep tax credits and tax cuts, the more options the federal government provides states, localities, and individuals in the use of federal education dollars the better. Mr. Speaker, authority for funding education belongs to the people and the states. We in Congress have no legal or moral justification for denying the people the right to pursue any education reform they believe will help America's children—whether it is vouchers, charter schools, or statewide testing.

Mr. Speaker, my long-term goal remains the restoration of limited, constitutional government in all areas, including education. Until that goal is achieved, I will support measures, such as the one now before us, to give the states and the people as much control as possible over education dollars. After all, in the words of the pledge to abolish the IRS many of us signed last week, it is their money, not ours. Therefore, Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2746, the Helping Empower Low-Income Parents [HELP] Scholarships Amendments of 1997.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to this legislation.

These are not scholarships. These are vouchers, and vouchers are not the way to improve the public school system.

In the first place, I question the constitutionality of using Federal dollars for private and parochial schools. But putting that question aside, this proposal will not be for all low-income students, and if it were for all low-income students, we would be creating a new entitlement, and I do not quite know what my friends on this side of the aisle are doing in creating this new program. But, it also opens the question of possible discrimination, and that this discrimination would be providing vouchers to some students, but not all.

Now, one does not have to be a lawyer with a law degree or a rocket scientist to predict that if this is passed, there will be with certainty a lawsuit that will be filed claiming discrimination, and that will be a giant step towards an entitlement.

However, put that aside too. The most important issue is what it is going to do to the public school system. Now, as a former school board member, I have some experience in these matters, and I want to tell my colleagues that it will greatly reduce support of the public schools, both urban and suburban, and ultimately, these vouchers will result in gutting the public school system, because it will be sending more and more of scarce financial resources out of the public system and into the private school system. It will be reducing financial support for the majority of students, the vast majority, and support a select few.

Gutting the public school system will not help those students who remain behind. What we need to do is to improve the system and improve the quality of standards for all students, not this select few.

Mr. Speaker, I rise in opposition to the HELP Scholarship Act. This is just another way of saying these are not scholarships, these are vouchers, and vouchers are not the way to improve our education system.

In the first place, I question the constitutionality of whether Federal dollars can be used for private and parochial schools. The Constitution provides for a division between church and State, and this proposal will interfere with that division. Such proposals have been found unconstitutional when they have not been provided to all low-income students, or when the tuition grant program has been used primarily to assist children in attending schools which are religiously affiliated.

This proposal will not be for all low-income students, and if it were to be provided for all low-income students then it would be an entitlement. And we do not need any more entitlements.

Why would we, as a Republican Party, be moving toward an entitlement. This is a problem of possible claims of discrimination—that is discrimination in providing some students with vouchers. This also moves us toward creating an entitlement.

How will it be decided which students will be provided with the vouchers? Doesn't this discriminate against the other students who are not given vouchers? It does not take a law degree or a rocket scientist to predict with certainty that a lawsuit will be filed claiming discrimination and that will be a giant step toward the entitlement.

Most important and as a former school board member with some experience in these matters, it will force regionalization of the public school system, greatly reduce support of the public schools, both urban and suburban, and ultimately these vouchers will result in gutting the public school system—because it will be sending more and more of our scarce financial resources out of the public system and into the private system. It will be reducing financial support for the vast majority to support a select few.

As a former teacher and school board member in my home community, I have always supported our public school system. I believe that our schools are best prepared to meet the educational needs of our youth when decisions about our school are made by that local community.

Gutting the public school system will not help those students who remain behind in the public school system. What we need to do is improve the system, and improve the quality and standards for all the students, not a select few.

It is also disturbing that these funds will be taken from title VI dollars. These funds are to be used for instructional materials, library materials, magnet schools, literacy programs, gifted and talented programs, dropout assistance, and other school reform activities. If school choice becomes an allowable use of funds, then these activities will not receive the funding and attention that they deserve.

This is not the way to improve our schools.

Mr. RIGGS. Mr. Speaker, I yield 10 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I say to the gentlewoman from New Jersey [Mrs. ROUKEMA], and all of those who would say ''discrimination,'' the ultimate discrimination, the ultimate economic and racial discrimination, is to keep these poor kids, these poor black kids, these poor white kids, these poor kids in schools that do not work, and the government mandates to those parents they must send their kids to those schools. It is the ultimate discrimination to do this to these poor kids.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. WELDON], another longtime champion of parental choice in education.

Mr. WELDON of Florida. Mr. Speaker, I thank my colleague for yielding me this time. I just want to respond a little bit further to the gentlewoman from New Jersey [Mrs. ROUKEMA]. There has been a lot of talk about hurting public schools and that our agenda should be helping public schools.

I think our agenda really should be helping kids get a good education, and saving and protecting public schools sometimes is involved in that, but sometimes these public schools are so bad that they should be closed down, and I am really pleased to see this bill come to the floor. I worked with the gentleman from California last session on trying to get a school choice bill to the floor.

One of the reasons why I am so interested in this issue is one of the things I noticed when I got out of the Army and I went into private practice is that people with money send their kids to the schools of their choice, but poor people and people who are disadvantaged cannot do that. They are locked in a system, frequently a system that is failing. Some of our public schools are great, but some of them are failing miserably, and every time we try to talk about school choice, the same group of people get up and say, no, no, no, we cannot have school choice.

All we have here is a modest bill to try it. Let me tell my colleagues something. The American people support

this, they want to see this. Look at this chart here. All Americans, 82 percent; black Americans, 84 percent; whites, 83 percent; Democrats, 81 percent; Republicans, 86 percent; Independents, 81 percent. But every time we try to do this much school choice in this body, the same naysayers get up and say it is going to destroy public education.

My desire is not to protect public education, but to provide kids in America better education, particularly those kids who are locked into failing schools, schools that are frequently riddled with drugs, where they are not getting an education, where they are coming out with a diploma and they cannot read. We are just trying to give some of those parents the ability to send their kids to a decent school, the ability that rich people have had for years.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. DAVIS].

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong opposition to this bill, which is cleverly disguised and masquerades to help empower low-income families to send their children to the best public or private schools.

This is nothing more than a third in a series of voucher bills. However, the HELP Scholarship Act is different. This is not a back-door, covert attempt to dismantle public education. This is an all-out, overt, frontal assault to help undermine and destroy public schools.

This bill reminds one of Dracula in that it seeks to suck the blood out of public education. Currently, 90 percent of America's children benefit from public schools. This bill provides no funds to improve public schools, which are in dire need of repair, teacher training, and curriculum development. This bill is anti-public education.

I urge that we reject it and say no. Halloween was last week, Halloween was last week. This bill is trick or treat, with more tricks than treats.

Mr. RIGGS. Mr. Speaker, I would inquire of the Chair as to how much time is remaining. I believe that the other side controls substantially more time than we do at this point.

The SPEAKER pro tempore [Mr. MCCOLLUM]. The gentleman from California [Mr. RIGGS] has 31 and three-quarter minutes remaining.

The gentleman from Missouri [Mr. CLAY] has 38 and one-quarter minutes remaining.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, I rise very simply to indicate that this is not about choice, this is a bill about private school vouchers. This is an extension of a debate that we had in the Washington, D.C. budget earlier this year when the roofs are falling down in the D.C. schools and rather than fix the roof, the proposal was put forward to allow 2000 children out of 78,000 children to be able to leave the schools with private vouchers.

We are committed to a strong public school system investing in technology for our children, making sure they can read and write, and that they are qualifying for the jobs of the future, every child, every neighborhood. This proposal allows a few children to take a disproportionate amount of dollars out of the public schools to allow for private school vouchers. It is the wrong way to go.

I would very much like it if we took all of our energies together and focused them in the right direction, which is making sure every single child in America gets a quality education.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I guess I hold a distinction in this Congress. I say to my colleagues, I am a Head Start child, a public school kid, a Pell Grant recipient.

I would say to the gentleman from Texas [Mr. PAUL], I think some Federal programs do work for our children, and I would say to the gentleman from Oklahoma [Mr. WATTS], I guess when I started out, I would be one of those poor minority students the gentleman professes to be so concerned about.

But, Mr. Speaker, today I rise against the so-called HELP Scholarship Act. Let us face it. This bill is not talking about scholarships, it is talking about vouchers, and that is why this bill bypassed our committee, the Committee on Education and the Workforce, for any consideration, and it is now on the floor under a gag rule.

It saddens me that during a time when our public schools are facing their most challenging times, we are encouraging American people to turn to private schools to teach their children. Ninety percent of all of the children in America go to public schools, and the numbers increase every day.

Let that be the focus of our education agenda: How to improve America's public education system.

For example, in Orange County, all the kindergarten through 12 schools in my district are overcrowded. They have resorted to year-round classes, portable classrooms, just to deal with things in the classroom, and they still maintain high academic standards. Voucher programs, at most, would help only a few students, and those who do use these vouchers will not even be given civil rights protection under the school admissions process. What kind of school choice is that?

School construction is an issue that deserves the attention of this Congress, not vouchers. That is why I have introduced legislation that will offer interest-free bonds to school districts to help them finance these new school needs, the school construction needs that they have. Let us do what is right for America's children. Let us make sure that quality exists for everybody in our schools. Please vote against H.R. 2746.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. GREEN].

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

Mr. GREEN. Mr. Speaker, I am amazed to see H.R. 2746 here again today. These are from the same folks who a few weeks ago characterized government-owned schools as a communist legacy. So now we have H.R. 2746 here to talk about how we are really going to educate children.

Our Nation has the ability to provide the highest quality of public education in the world, but the question remains, who will receive this education? My Republican colleagues' answer is with the HELP Scholarship Act, again, a voucher program.

The HELP Scholarship Act is a school voucher program that is intended to do nothing but harm public education because it is taking money out of what should be going to public education. This bill does nothing for the Nation's 50 million students who attend public schools.

We are not defending public education here on the floor today by opposing this bill. We are defending those 50 million children who are in public education and need more resources, but they are taking away even current resources, money that should be used to improve the public schools and instead will go to a small number of students to pay for private and parochial schools. Private and parochial schools are great, but they should not have public funds to do it.

This bill is not only unfair to those 50 million children who will not be able to participate, but I consider public education is an American legacy, not a communist legacy. The real challenge lies in not creating small privileges for a small number of students, but instead building a strong public education system that will provide for those 50 million students instead of taking it away. I believe the HELP Scholarship Act does not improve public education in America, but it threatens the public education of those 50 million children we are defending.

There is no evidence to suggest that vouchers will lead to improved public education performance for all children. In fact, the voucher programs drain funds earmarked for improving public schools and directs them to private schools. The Republican voucher program fails to address the needs of public education and should be defeated tonight. The future of our children is too important to gamble on an untried and unrealistic proposal.

Again, this is a bill in response to the same problem that we had a few weeks ago when they were calling public education a communist legacy by one of our colleagues from Colorado. This is

their answer to solutions in the public schools. Let us work to make public schools better, not take funds away.

Mr. RIGGS. Mr. Speaker, I yield 10 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I would say to the gentlewoman from California [Ms. SANCHEZ] that she proves my point exactly. Good schools should not be threatened by what we are doing. Bad schools. She went to a good public school. So did I. It is the bad public schools that we are saying, let us give those poor parents a chance to take those kids out of those bad public schools.

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Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would note that I believe what the education establishment and those here who are beholden to them really fear is that competition threatens their monopoly of financial control.

Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, as a former public school teacher, I rise in strong support of the HELP Scholarship Act. I have always believed that when you fail to plan, you plan to fail. Today this Congress will pass yet another part of a winning strategy for the future.

Today all children are not well-served by our schools. Sixty percent of all graduating seniors in high school cannot read on a 12th-grade level. As a whole, today's students score 60 points lower on the SATs than their parents did. Clearly there is much work to be done as we look for ways to improve our schools.

While the work of making our schools great again is in many ways difficult, it is in no way impossible. Piece by piece, one school and one child at a time, we can give our Nation the kind of education system it deserves, and we can give our children the kind of education their parents have a right to expect.

Today we have a chance to support the HELP Scholarship Act. This legislation will provide scholarships to low-income families to send their children to the school of their choice. It has often been said that the greatness of a Nation is measured by how it treats the most vulnerable and the less fortunate. The HELP Scholarship Act will help those who need our help the most, families who earn less than 185 percent of the poverty level.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise in opposition to this so-called HELP Scholarship plan. This plan is not about helping the majority of students in America. This is just the latest attack on public schools by the opponents of public education.

Speaker GINGRICH and the radical Republican right have a plan to dismantle public education, abolish the Department of Education, cut the school lunch program, cut funding for safe- and drug-free schools, for teacher training, for Head Start.

Just 2 weeks ago the Republican opponents of public education supported a voucher scheme that would drain millions of public education dollars in our Nation's capital and give it to just 3 percent of students to attend private and religious schools. But taking money out of public schools in the District of Columbia was just the beginning.

Today we consider a plan that would drain resources from every public school in every neighborhood and every city and town in America. This so-called HELP Scholarship scheme does nothing to help public schools. It is about draining resources from public schools to help private and religious schools; help the few, deprive the many. This is the Republican plan.

Mr. Speaker, 50 million students in America attend public schools. Nine out of 10 students attend public schools. We as a society know that educational opportunity is good for all. It was Thomas Jefferson who said, education is the cornerstone of our democracy. That is why Democrats support investing in our public schools, rebuilding our crumbling school buildings, and giving every child in America a solid foundation through public education.

We should be building our public schools, building them up, not tearing them down. We should be working together to improve our public schools, not giving up on them and selling them down the river.

Mr. Speaker, I urge all of my colleagues to support public education in America, support education for all of our children. Oppose the Republican HELP Scholarship scheme. The scholarship is no help at all. These are really hurt scholarships. They hurt our public schools, and they hurt the overwhelming majority of our children. I urge my colleagues to defeat this bill. It does not help anyone. It does not help our children. It hurts our children, and it hurts our public schools.

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

Mr. Speaker, I would just respond to the last speaker and point out that we are not saying on this side that competition and choice is a panacea. I wish people would not view this or try to portray this as some sort of attack on the public schools. I say that as the parent of a child who is in public school, because I always remember my most important title is not Congressman, it is dad.

But we had Alveda King testify. She is a highly respected civil rights advocate, the niece of the late Dr. Martin Luther King. She testified, I would say to the gentleman from Georgia [Mr. LEWIS] and others, before our subcommittee. She said, ''If you have a boat going down, and there are 10 children on it, and you can only save 4, isn't it better to save the 4 than to let all 10 drown?''

What we are saying is our public school boat is in danger of sinking, that we are failing to serve too many children, and as a country we cannot afford to lose another generation of urban schoolchildren.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

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

Mr. FORBES. Mr. Speaker, if ever there was a moment under this majestic dome that marks the world's greatest democracy and the hope that is this Nation, it is now. Look at every urban center in America, and we will see repeated the scenario where we have relegated the most vulnerable children among us to a lifetime of poverty and bad education.

I am a product of the public schools and a public college, and proudly so, and I celebrate those good teachers and good parents that made it possible for me to get the education that I did. But what is wrong with stepping forward for the children, the most vulnerable children, who are being denied a quality education because we are refusing to address the problems of our urban schools?

This is a solution long in the making. I commend the authors of this legislation, and I urge my colleagues to support this matter of choice for our children. The parents of these children in every urban center of America are crying out for this kind of a solution. This is the right way to go. I would ask my friends who oppose this to reconsider their position. I ask them, what is the alternative?

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, we all have a great concern for our children, but it concerns me that the gentleman that just spoke to the American people to express his concern for the plight of poor children, it seems hard to believe, since in his last vote he voted against Head Start. I think that should seriously raise doubt of the concern that has been expressed.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I would say to the gentleman from California [Mr. RIGGS], he invoked the name of Martin Luther King, Junior, and his niece, Alveda King Bill. I knew Martin Luther King, Junior. He was my mentor, my friend, and my leader. If he were alive today, he would be ashamed of what his niece did and said.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON LEE of Texas. Mr. Speaker, I think the real question has

to be, how do we go forward in helping the children of America? The real driving force behind this Republican proposal on vouchers is not parents who want a better education for their children, but the likes of Jerry Falwell, who says, ''I hope to live to see the day when we won't have any public schools. The churches will have taken them over again, and Christians will be running them. What a happy day that will be.''

Mr. Speaker, I believe in the first amendment, I believe in Christianity, the freedom of religion and I believe in all Americans. However, I also believe in public school education. This is what we should be doing: early childhood development; basics by 6; well-trained teachers; well-equipped classrooms; relief from crumbling and overcrowded schools; support for local plans to review neighborhood public schools; efficient and coordinated use of resources; parental choice, like charter schools.

That should be the message for public schools and those who support our children, not a denial of civil rights, as these vouchers will do, to parents and children; not where the parents will be denied admission by private schools when they come with their vouchers. We need a real plan for our public schools, not a system that destroys them. I support public schools. I ask my colleagues to do so as well by voting against the voucher bill which destroys public schools.

The primary point of concern, for myself, and many other members of this body in regards to H.R. 2746, is the school scholarship or vouchers provision included in this revision of title VI of the Education and Secondary Reform Act.

This provision would authorize the distribution of scholarships to low to moderate income families to attend public or private schools in nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending public schools. However, only certain students will receive these tuition scholarships.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the U.S. Congress abandons public education, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education, this policy initiative enriches fiscally successful, local private and public institutions. Furthermore, if this policy initiative is so desirable, why are certain D.C. students left behind? Can this plan be a solution, I would assert that it can not. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the Government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support public education with their lipservice, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is an issue of the first magnitude. One that affects the constituency of every member of this House, and thus deserves full and open consideration.

School vouchers, have not been requested by the public mandate from the Congress, actually, they have failed every time they have been offered on a State ballot by 65 percent or greater. If a piece of legislation proposes to send our taxpayer dollars to private or religious schools, the highest levels of scrutiny are in order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children attend public schools, we must not abandon them, their reform is our hope.

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

Mr. Speaker, I would go back to what the gentleman from Georgia [Mr. LEWIS] said. We will let Ms. King's words speak for themselves. She is not only a highly respected civil rights advocate, but she is also a former public and private schoolteacher.

Here is what she said in testimony before our committee: ''It has been demonstrated that when you implement a choice program, including vouchers, that you empower the parents, the system improves, the schools begin to compete, and hope arises.''

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH], a member of the committee.

Mr. MCINTOSH. Mr. Speaker, I rise in support of the Flake-Watts bill, and want the American people and my colleagues to know that this bill attacks one of the root causes of discrimination and poverty in America and empowers families who are living in troubled communities.

Let me tell Members what it meant in the State of Indiana. The other day I met a remarkable lady named Barbara Lewis. Barbara is an African-American and lives in the inner city of Indianapolis. She struggles to raise her three boys, and Barbara has decided to become a leader in our community. She is president of a new grass-roots organization called FORCE, Families Organized for Real Choice in Education.

A few years ago her son Alphonso had the opportunity to escape one of these terrible inner-city schools that was failing to educate him, and through a private scholarship Alphonso was able to attend Holy Cross Catholic school. This opportunity enabled Alphonso to get into a better school, but it was his own intellectual abilities and hard work that put him on the honor roll, it was his own athletic abilities that made him stand out on the football team, and his own leadership that led his classmates to elect him to the student council. Now Barbara is energized, and she wants to give every inner-city kid the same chance that her son Alphonso had.

I could tell Members about studies that show how minority students do much better in these private schools, or how 43 of our Nation's Governors are supporting school choice. But Alphonso's success story speaks for itself, and his real-life experiences tell us of the merits of this.

I appeal to my colleagues on the other side of the aisle to look at the facts and cut through the rhetoric. I know there is strong pressure from the interest groups and the establishment who want to keep the status quo.

I know my colleagues are great believers in the public school system, as am I. I am a product of that system. But it is not a choice between public schools and private schools. The choice here is between preserving the failed status quo or moving forward and giving poor inner-city kids a hope for a better education. Vote for the Watts-Flake bill.

Mr. Speaker, the author Victor Hugo once wrote, ''There is one thing stronger than all the armies in the world, and that is an idea whose time has come.''

The time has come to allow parents the choice of selecting schools for their children. Parents across the country—especially in inner cities—demand this choice to give their kids the chance to grow and succeed.

I want Hoosier parents to have this choice. At the K–12 level, Indiana spends an average of $5,666 per student per year. Yet performance declines as the student progresses through the public school system.

For instance, in 1996, Indiana's 4th graders took the National Assessment of Education Progress math exam. They placed fourth out of 43 states that participated in the exam. Very good.

However, Indiana's 8th graders ranked only 17th out of 43 states.

On Advanced Placement exams, Indiana ranked last in comparison to other states and the District of Columbia in terms of the percentage of students who are in the top half.

Clearly, more money is not the answer. We need to rethink our whole approach to elementary and secondary education.

I ask my colleagues, is the status quo, which is discriminating against poor, and which is letting our children down, so important that we are willing to sacrifice the hopes and aspirations of thousands of children, for the sake of the special interest unions, not for the sake of our children.

Look at what President Clinton said—''People need to know they can walk away from bad schools. Choice changes . . .''

Democrat Senator JOSEPH LIEBERMAN made the following statement on the floor during the D.C. appropriations bill, ''Voting against choice is about the equivalent of voting against Pell grants or the GI bill or child care programs.'' I couldn't agree more.

I appeal to everyone in this House to break the chains of the special interests! Break free and let the poor inner city children like Alphonso have the same opportunity as the wealthiest citizens in this country, the same opportunity for us that the President and his family have had.

Please give poor, underprivileged parents a real choice. For the sake of the children vote for the Watts-Flake HELP scholarship bill.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON LEE of Texas. Mr. Speaker, I believe the only pressure

from the American people, I would say to the gentleman who just spoke, is the American people's surprise about his new concern for the poor, since he voted against Head Start, and he voted to eliminate school lunch programs that would help our children learn and help our children be better off as they seek to be educated in this country.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, this is a very interesting debate. I can remember many, many, many years ago in public school, and if we had the thinking of my colleagues over there at that particular period of time, we would not have been inoculated for measles, smallpox, we would not have gotten examined from the health nurse every year.

I have yet to find out how these vouchers are going to be administered. I am told that they are going to come in a block grant to the States. What makes us think that States are not a bureaucracy, just the same as the Federal Government? We are going to say to a poor parent, as they have to come and say, hey, I want one of them vouchers, they will say, okay, we are going to get you a voucher, but here is how much it is. Well, I cannot take my kid to a private school because it is way across town. I do not have a car. I am a single parent. Well, we will mark you off, and we will go to the next one, somebody that has.

This is an attack on the public school system, Mr. Speaker. I say to the Members on the other side, your record is not good. Folks that count catsup as a vegetable, vote against Head Start and all of these things, your record is just not good.

□ 1830

You have no credibility in education. It has always been that way. You were not for education when we wanted to have student loans for people years ago before some of you were born. When my dad wanted to go to college, you wanted to send kids to school, you did not have a program. You did not support any program. You did not support education. It is inherent with you. You do not have a good record on education. I am not being vicious. It is just the truth.

As Harry Truman said, to give them hell, you just tell the truth and it sounds like you are giving them hell.

But this is an attack on the public school system. Make no mistake about it. It is going to take millions of dollars out of the public school system and deny a lot of those people you are talking about from getting any chance for a public education. It is a fallacy, it is a rip-off, and it is a fraud.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to observe the gentleman from North Carolina is absolutely right. After 40 years of single-party control in the House of Representatives, our inner city schools in America are in great shape.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER], chairman of the House Republican Conference.

Mr. BOEHNER. Mr. Speaker, I have enjoyed listening to the debate this evening. I find it ironic that the debate is centering around whether this is for public schools, against public schools, whether it is for private schools. This has nothing to do with support for one school system or another.

What this HELP scholarship will do is to empower parents, parents and local communities, to take greater control over the education of their children. We spend far too much time in this body worrying about systems and worrying about a process instead of worrying about how we can help parents ensure that their child gets a better education. This bill tonight will do that for some people in America who do not have choice.

If you have got money, you have all the school choice you would want, but if you are poor and you are locked into an inner city school, you have no choice.

How long is it going to be before those of us in this body begin to take seriously the problems that we have in inner city schools in this country? How can we look one day longer at the system we have created that is denying those children a shot at the American dream? This helps them out of it.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE]

Ms. JACKSON-LEE of Texas. Mr. Speaker, I still maintain that it is the children that we should be concerned about. I would say to the gentleman who just spoke that the American people would find his concern for the plight of poor children in public education hard to believe since he voted against Head Start and against free lunches for our children so that they could learn.

Mr. CLAY. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Missouri for yielding me the time.

This proposal just violates the common sense test. It would be one thing for the majority party to offer scholarships, once the public education system was fully funded, once we fully funded Head Start, once we reduced the teacher/pupil ratio, once we went about getting the $100 billion that the GAO says is needed to fix our public school education system. But in the absence, in the absence of investing those needed dollars in our public education system, vouchers represent a Band-Aid approach.

Just think of it. Let us sprinkle a few vouchers out there, capture this kind of choice thing, make it sound all attractive, but what we are really doing is leaving a very unattractive system still in place. We know it needs work, but we are not doing anything to invest the dollars that are needed to make it work. We are saying, we will make it work for those who can get a voucher.

All I would ask is, what does that leave the people who cannot get a voucher? Where is the guarantee for every child?

I mean, I have heard this voucher argument a million times by you people. You talked about it with public housing. Guess what? People are going to want to take vouchers when you people cut operation and maintenance of our housing system.

There is no question our housing system is going to crumble and people are going to want a way out when you do not invest in it. That was your answer to the public housing problem, give people vouchers, do not fix the problem, just give them vouchers. Mr. Speaker, that represents a cut-and-run approach. It does not represent a meeting-the-problem-head-on approach.

The Democratic agenda for first class public schools is about meeting the agenda head on, addressing the problem that is out there head on, not giving this kind of voucher to whoever can be lucky enough to get a voucher and leaving all the rest of the kids in the dust.

Just think about it. What happens to the kids? We are not worried about the kids who can get into the private system or who can get a car to get to a better school, move to a better neighborhood. We are worried about the kids who are stuck. That is who we need to improve, their opportunities. Vouchers do nothing of the sort. They do not guarantee the child that is in the poor neighborhood, that cannot get out of the neighborhood, that is stuck with the crumbling school, an opportunity to leave that environment and get a better school system because you have failed to invest in the school system. You are just cutting and running.

Mr. RIGGS. Mr. Speaker, I yield myself 1 minute to say to the gentleman who just spoke, that was a very, very partisan, cynical comment.

Do not take my word for it. Here are 150 letters from parents whose children have participated in the Cleveland voucher program. They are all African American. They are all low income. And if the gentleman would take the time to familiarize himself with that program or the Milwaukee program, if he would listen to parents, he might change his view.

I am just going to cite a couple comments.

I appreciate the scholarship program my grandson is participating in. I feel he is getting a better education. Esther Carter.

The voucher program is a wonderful program for our children and the future of our children. Yvette Jackson.

I hope to see this and many more programs like this succeed in the very near future. My daughter and my family are truly blessed. Yolanda Pearcy.

It is a crying shame that when we had a field hearing in Cleveland there was not a Democratic Member of the House of Representatives who could take the time to join us in that field hearing and to participate and to listen to parents.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me the time.

Let us take a look at exactly what this bill does. What this bill does is, it amends title VI of the education block grant program to allow States and localities, if they choose, if they choose, they are not required to do anything, but if they believe it is the most appropriate thing and the most appropriate effort for their local community to improve schools, they may use these block grants for voluntary public, private, and parental choice programs.

Other things that they can use title VI for are professional development, curriculum development, technology and computers, magnet schools. All this says is, if you and your community and your State believe this is what you want to do to help kids in your community, we are going to let you do it.

Why do we think that this is the right approach? Over the last 12 months, we have gone to Milwaukee; New York; Chicago; California; Phoenix; Wilmington, Delaware; Milledgeville, Georgia; Cincinnati, Ohio; Louisville; Little Rock, Arkansas; Cleveland; Muskegon, Michigan; Des Moines. We have gone to these 13 different States, 14, 15 different field hearings, and in every field hearing we have heard exciting innovations at the local level about what people are trying to do to solve the education problems in their communities.

In Milwaukee, in Cleveland, they have said, we really think a scholarship program and a scholarship effort is what is needed in our community. And wonderful things are happening. Is it a silver bullet? Is it going to work everywhere? No. But in these communities, it is these people have decided and they are having some wonderful success, and they want to be able to build off of that. We should let other States and other communities have the same opportunity. We need to give these other people and other States the opportunity to experiment to see whether this is one of those tools that will move this country forward.

The focus is not on the system, but the people in these local communities are focused on the children because it is local people making decisions for their children. And my colleagues should listen to the parents. It is not only the letters that we get but the testimony that we get from parents coming in saying, help us and empower us to save our kids, and give us the control and the flexibility to do what we want to do in this community and not do what Washington is forcing us to do.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish the gentleman who had just spoken, with all the passion that he has expressed, had the same kind of passion when he voted against Head Start and school lunches. I hope the American people realize, in his now pretended concern for the plight of the poor, that he voted against Head Start and voted against school lunches which help our children be better prepared to learn.

Mr. CLAY. Mr. Speaker, I yield myself 10 seconds.

The previous speaker stated it right. He said if the States choose, but they are not required to do anything. That is absolutely right in terms of civil rights. If they choose to enforce the civil rights provision, they may, but they probably will not.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Speaker, the Republican majority that came into power 3 years ago insisting that the Department of Education be abolished, eliminated, has no validity, no credibility in this discussion. This is another cynical ploy, cynical partisan ploy to destroy public education, public school education.

These same advocates and sponsors of vouchers, I would like for them to tell me: In your district, have you gone to your own local school boards and proposed vouchers? What is their reaction? Do you have poor children in your districts? Most of you do. You get title I funds. They are spread all across the whole country so there are some poor children in your district. There are certainly middle-class families, who also send their children to private schools and would like to have the relief provided by funds vouchers.

Have you discussed it with your school boards? And what is their reaction? Is it popular? Is this something you want to jam down only the throats of the African Americans in the inner cities and use them as guinea pigs in an experiment which has no validity in your own district?

Do you know that all the States, in 1997, where legislation was introduced for vouchers, it did not pass, it failed. Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia; there were 24 States that introduced legislation for vouchers, and it did not pass in a single State. So is it the American people who want vouchers or is it something you want to impose from Washington?

You have used your power to try to impose it in Washington, DC. The people of Washington, DC., had a referendum. They said they did not want vouchers, they want charter schools. But you want to force it down their throats. You are cynically refusing to support programs that would benefit poor people.

Your majority in two sessions voted against Goals 2000. When you failed to eliminate Goals 2000 in a regular format, you went through the back door of the Committee on Appropriations and you eliminated opportunity-to-learn standards. Nothing is more significant for poor children in America than the opportunity-to-learn standards, which deal with just what I am saying, opportunity-to-learn.

If you are going to be able to learn, you need a decent building, so school construction is what we should be discussing here. You need trained teachers. We should be discussing training teachers. We should be discussing how to introduce the best educational technology into the poorest schools.

We are not discussing the things that are significant because you have the time preoccupied with a diversionary discussion of vouchers. You refused to pass all of the President's Technology Challenge Fund; you cut funds for that. And you denied low-income students the opportunity to continue their education by voting to cut student loans by $10.1 billion in fiscal year 1996. Whenever low-income programs are introduced, whenever they are introduced on this floor, the same Members who are advocating vouchers for a handful of poor children are the Members who vote those programs down.

Follow Mayor Giuliani. What he did in New York is, he went to the private sector. You want vouchers, you want to experiment with vouchers; go to the private sector, they can help a handful of children, instead of threatening to destroy the entire system.

□ 1845

Mr. OWENS. What happens is that the Giuliani program is significant in that it says exactly what vouchers can do. There were 91,000 youngsters who had no place to sit when school opened in 1996. They took 1,000 of the 91,000 and they found a voucher program for them, they found scholarships for them. They are going to take care of 1,000 children.

In the meantime, what are they saying to the other 90,000? You cannot deal with poor people and the problems of poor people in our inner cities unless you move systematically to change the larger system. Charter schools could have an impact on that system. It could accomplish some of the things they want to accomplish.

Vouchers are a diversion. They are running away from the responsibility, the need to appropriate more money for construction, more money for

teacher training, more money for books and supplies. They are running away from the responsibility and they are diverting the attention of the American people with vouchers.

In their own communities, voucher advocates refuse to go and ask for a referendum and ask for focus groups and campaign on it. It will be very unpopular, I assure you, if they dare to push voucher programs in their own communities.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume just to say to the gentleman from New York [Mr. OWENS] that, speaking of unpopular, how would he respond to Wisconsin State Senator Polly Williams, who spearheaded the choice program in Milwaukee City schools and who just happens to be an African-American? How would he respond to Fannie Lewis, the 80-year-old Cleveland City Councilwoman, who helped spearhead the school choice program there and who happens to be an African-American? Those are local people.

Mr. OWENS. Mr. Speaker, will the gentleman from California yield?

Mr. RIGGS. Mr. Speaker, I will not yield. I attempted to respond to his question, but it proved to be purely rhetorical and not meritorious.

I say to the gentleman from Missouri [Mr. CLAY] and the gentleman from Virginia [Mr. SCOTT], whom I very much respect, please put in the mix here, in the overall equation, the civil rights of parents, the civil rights of parents to select the education that is appropriate for their child, to be able to give their child the kind of future opportunity that every parent wants for their child.

Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. TALENT], the primary author of this legislation, my cosponsor.

Mr. TALENT. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS] for yielding me the time.

I am reminded that, in the midst of all this heat and the very little light, and the chairman of the committee predicted it and I think he was right in doing that, we are dealing with an issue that really matters to real people, to the millions of kids and their parents in low-income neighborhoods who are trapped in schools, trapped in schools, where they do not learn and where they are not safe.

The issue here, Mr. Speaker, is are we going to help these kids or are we going to sacrifice them on the alter of a system that is failing them and failing the country? Now, I say that with deep reluctance. But we cannot help these children unless we are honest about the situation. And we all know that this system is failing them.

In New York, Mr. Speaker, 25 percent of New York's public school students will receive their high school diploma. The record in the parochial school system is 95 percent in New York. In Baltimore, fewer than half of the city's ninth-graders could pass a basic rudimentary math test. In Philadelphia, less than 6 percent of the city high school students tested competent in reading.

Do you know what happens to you if you are in high school and you cannot read? You know what your life is going to be like? The system is so bad, Mr. Speaker, that none of us, whatever our feelings about this bill, would or do send our kids to these schools.

So what does the bill propose to do? It increases the block grant money that we are giving to all the public schools and it allows them the discretion, if they wish to use it, to institute a school choice program of the kind that has succeeded in Milwaukee and Cleveland and in New York and places around the country.

Why do we do that? Because this program works. The statistics show that. The waiting lists show that there are 20,000 parents waiting for 1300 privately funded scholarships in New York. And the reaction of the establishment shows it.

Mr. Speaker, the reason for the hostility of this bill is not because people are afraid the bill is going to fail but because they know it is going to succeed and the better education these kids will receive will embarrass an establishment that is failing them. The arguments against the bill, I have been sitting here listening to them, one of them is that we are not helping enough kids with it. We would like to help more. I would say we are helping them all. We are giving them all some hope. We are taking money away from the public schools. No, we are not. No, we are not. We are giving them more money. And then we are letting them, if they wish, use the money for these programs.

And then the argument that we are hurting public schools. Mr. Speaker, a member of the Milwaukee school board said that the school choice program there has encouraged and really forced his school system to adopt reforms that they should have adopted a long time ago. Apart from that, I have to say, with the greatest respect, it is time to stop worrying about the bureaucracy and to start worrying about these kids. The bureaucracies are doing fine. The number of employees in the Baltimore school system has doubled in the last 40 years, at the same time that math and reading skills are going down.

Mr. Speaker, let us put a human face to this. One of the things that motivates me, and I have talked to a lot of these kids and their parents around the country, is an article in the New York papers about the privately funded school changes program they have there; and they refer to a little boy named Carlos Rosario, age 9, of Washington Heights. And he explains why he would like a scholarship if he can get one. He says, ''I don't like my school. The kids are too rough. They hit me and push me around.''

Mr. Speaker, I have a 7-year-old boy and two other kids. And if it was my boy who came home and said that, I would do anything I could to protect him. We have an opportunity in this modest way to take a step ahead for people like Carlos Rosario and his mom. I would ask the House to drop this partisanship and these extraneous issues and support this bill.

APPLICANTS' PARENTS ARE SICK OF FEAR, VIOLENCE AND BAD TEACHERS

(By Tracy Connor and Maggie Haberman)

Parents applying for private-school scholarships say they want a smaller, safer, more educational environment than the public schools provide.

Single mom Shelmadine Usher of The Bronx is keeping her fingers crossed that her 6-year-old son, Timothy Moses, will get one of the coveted 1,300 spots.

He attends a private school, but the financial aid that pays for it dries up when Usher graduates from community college in June.

''I went to public school in The Bronx and it was bad, and I always said that when I had a child, I would make sacrifices to send him to private school, she said.

''I'm ready to work two jobs if this scholarship doesn't come through.''

Timothy is a quick learner and avid reader, and Usher believes that private school—with higher standards and more parental involvement—will keep him on the fast track.

The greater amount of individual attention is also a plus.

Luiyina Abreu, a third-grader in northern Manhattan, is floundering in math class.

''I think they teach differently at private school, maybe better than at my school now,'' she said. ''It would give me a chance to do better.''

Classroom safety is another big concern.

''I don't like my school. The kids are too rough. They hit me and push me around,'' said Carlos Rosario, 9, who attends PS 153 in Washington Heights.

His mother, Maria Jiminez, is seeking scholarships for Carlos and his sister, Karla, 8, who emigrated from the Dominican Republic in 1993.

''Public school is dangerous,'' Jiminez said. ''If you're a good parent, you teach your children how to behave at home. But then they go to school and it's a bad environment.''

Jasmine Abdul-Quddus, 8, who lives in the East Village and attends PS 19, agrees. ''They fight and call people names.''

Her mother, Kalima Abdul-Quddus, who moved here from Atlanta three years ago, is just as concerned about academic standards for Jasmine and her sister Aleah, 7.

''In private school, the teachers are more devoted to education,'' she said. ''In public school, they just push them through.''

Mr. CLAY. Mr. Speaker, I yield 20 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, does the local school board of the gentleman from Missouri [Mr. TALENT] endorse vouchers? Has he asked them to endorse vouchers?

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

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. TALENT. That is one of the reasons why we are giving them the discretion to decide whether they want to under the program.

Mr. OWENS. As an elected official, have you gone to them and asked them to endorse vouchers?

Mr. TALENT. I have talked to the superintendents in my area.

Mr. OWENS. Mr. Speaker, we keep hearing examples of youngsters who live somewhere else. I would like to hear some examples of the children who live in my colleague's district.

Mr. TALENT. If the gentleman would yield, that is a different thing. Do the children who live in these neighborhoods want these scholarships? Overwhelmingly.

If the gentleman will yield me about 30 seconds, I would be happy to tell him about that.

Mr. CLAY. Mr. Speaker, I yield myself 15 seconds.

I would like to ask the gentleman from Missouri [Mr. TALENT], whose district is adjacent to mine and one of the richest districts in the country, if the children in my district, who live in one of the poorest districts, if these scholarships will entitle them to go from public schools in my district to those rich public schools in his district? That is a ''yes'' or ''no'' question.

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

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. TALENT. I would say to the gentleman from Missouri [Mr. CLAY] that the kids from low-income neighborhoods around this country in my area and in his area want this program.

Mr. CLAY. Mr. Speaker, I yield myself 10 additional seconds. The question is a ''yes'' or ''no.'' Will this bill permit poor kids in my schools to go to the rich schools in his district?

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

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. TALENT. It will permit them to go to good schools in their neighborhoods.

Mr. CLAY. Reclaiming my time, public schools in your neighborhood, ''yes'' or ''no''?

Mr. TALENT. Mr. Speaker, the gentleman from Missouri is asking me a question and I am trying to answer him.

Mr. CLAY. It is a ''yes'' or ''no'' answer.

Mr. TALENT. It is not a ''yes'' or ''no'' question.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Will the gentleman from Missouri [Mr. TALENT] answer the question?

Again, I think this voucher program is a terminal wound to public schools. My only concern is, why would he vote against Head Start and school lunch programs if he is concerned about poor children in public schools?

Mr. RIGGS. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, in the first place, I have the greatest respect for all of my colleagues, and I know that they are doing what they are doing out of passion. They are, however, dragging in a number of issues that are extraneous to this bill and making comments about those issues that are simply not correct. We never cut the school lunch program. It always grew. The numbers are here. The Head Start program is always growing, and my colleagues all know that.

If my colleagues can defend the existing system, defend it. If they cannot defend it, then do something to help these kids. Concentrate on them instead of on the bureaucracy.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to answer the question of the gentleman from Missouri [Mr. CLAY] with a resounding ''yes'' and to tell the gentleman from New York [Mr. OWENS], if this legislation becomes law, that anyone, elected official or other civic leader, who believes in school choice can petition their local school board to use at least part of their Federal funding to provide scholarships for low-income parents in low-income communities.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. BOB SCHAFFER], a member of the committee.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I appreciate the gentleman from California [Mr. RIGGS] yielding me the time.

I would like to direct the body's attention, if I could, over here to my left. This graph shows and explains the choices that are expressed by Members of Congress. These bars express, according to committee, the first bar here is the Committee on Senate Finance, for example. Seventy percent of the Members on the Committee on Senate Finance send their children to private schools. And these show other committees that show a high number of Members of Congress who, when given the choice, send their children to private schools.

Now, the debate is all about this. What the American people want and what they expressed to us is the same kind of treatment and same kind of choices that politicians are able to afford for themselves. This is what the debate really is about.

With the thousands and thousands of parents who we have heard from, here is just a sample of the letters that I received from parents. What they tell us is that they do not want the Democrat model of restricted choices, of suppressed opportunity, of poor performing schools and no choice beyond that. What they do want, however, is to be treated like real customers. Allowing parents to be treated like real customers is what the bill before us is all about.

I have to tell my colleagues, I am a strong supporter of public education. I have 3 children who are in public schools today, and they are there because in my district the public school system provides excellent opportunity and excellent results and it has earned my confidence. But what the American people are asking us for today and what we are hoping to deliver is a Republican model that treats the American people like the politicians in Washington treat themselves, just like you treat yourselves.

I would ask the following: When they retire tonight to their cocktail parties and their highbrow fund-raising receptions, please think about the parents from inner-city school districts throughout the country who have written to us and asked us to be treated like real customers, to choose the education settings that are in the best interest of their children, to think about the teachers who would like to be treated like real professionals, to have you choose them, to stand in line if you would like and choose the educational services that professional teachers offer.

I suggest we stand in strong support of public education today, and this bill is a good first step.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, in 30 seconds, I would like to know if the gentleman from Colorado [Mr. BOB SCHAFFER], that just spoke would like to respond to the statement he made on the House floor on September 10, 1997: ''Government-owned schools have a complete monopoly. Plain and simple. And all monopolies fear competition. I can 100 percent guarantee an inferior product of any human endeavor that producers are shielded from competition that produces and are not forced to innovate and improve. Just look at the communist legacy in every single case, especially education.''

Would he like to elaborate on that?

Mr. CLAY. Mr. Speaker, I yield 15 seconds for the gentleman from Colorado [Mr. BOB SCHAFFER] to respond.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I sure would. Those of my colleagues who wish to come up and defend this kind of a legacy, which has been a worldwide failure, I say be my guest.

What America should not do is move in the direction that they would propose, that we have seen in Eastern Europe, for example, where they create centralized government monopolies. We should do just the opposite. We should preserve what is great about public schools in America.

Mr. MARTINEZ. Mr. Speaker, the gentleman is saying that local school boards elected by the people in that district are communist legacies? Excuse me? To me that sounds like a democracy.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Colorado [Mr. BOB SCHAFFER] to finish his statement.

Mr. BOB SCHAFFER of Colorado. The legacy which the gentleman defends over here to my left is one that I would submit we should not allow to occur here in the United States.

Our public school system has become the strongest in the world, particularly

because it is forced to innovate, because it is forced to be challenged, and that is what we ought to preserve about our system. We should not allow my colleague's side to consolidate authority in Washington, D.C., which has been a failure throughout the rest of the world.

□ 1900

Mr. CLAY. Mr. Speaker, I yield 5 seconds to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, that is not what the gentleman said. He said, just look at the Communist legacy in every single case, especially in education. We are talking about here in the United States, not in Russia.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in strong opposition to the bill before us, the voucher bill. I am a proud product of parochial and Catholic schools, and I am a very strong advocate of public education in America. It has been said as education goes, so goes America.

The analogy here is that if our lifeboat is sinking, and vouchers can save four people, let us save four people. Many of us here on the Democratic side feel that to defend the current education system is indefensible, but you should save 10 children out of those 10 with a lifeboat, and not only four.

Mr. Speaker, I think that what we have here are two very different approaches to saving the public education system. One is the silver bullet that says vouchers will basically be a panacea, and the other is the golden rule; the silver bullet on that side versus the golden rule, which says let us help everybody. Let us not give up on one public child, one public school, whether it is in a rural or urban area. Let us fix them all.

Our plan, then, is this: It is public choice. It is fix all the public schools with the bill that the gentleman from California [Mr. RIGGS] and I have worked on, charter schools, where parents should be able to fix and work on and send their child to any public school they choose. It is discipline and safety in the schools. It is better student-teacher ratios. It is firing bad teachers that are not doing their jobs. It is putting schools on probation and shutting down poorly performing schools. That is the Chicago public reform model.

None of us, I hope on this side, are saying, ''We're hopeful, we're helpful, we want the status quo.'' Let us fix all the schools and do it for every American child. Defeat the vouchers and let us move on to public choice in charter schools with the next vote.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I include for the RECORD a letter from the U.S. Catholic Conference which states that it is unable to support this proposed legislation as currently drafted. That is because of many reasons, one of which is the ''Not School Aid'' provision in the new section 6405. They say that that section can readily be construed to negate the application of longstanding civil rights statutes which would normally apply to a scholarship program. Lacking independent antidiscrimination provisions elsewhere, that section effectively means that out of the myriad uses of title VI funds authorized, only the scholarship program authorized in this bill will be exempt from the civil rights statutes. Without clear confirmation that that section cannot be construed in this manner, it remains a serious concern.

Mr. Speaker, we are very interested in civil rights application, and as presently drafted this bill exempts the scholarships from application of Federal civil rights enforcement. For that reason alone, the bill ought to be defeated.

Mr. Speaker, the text of the letter referred to is as follows:

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY,
Washington, DC, October 29, 1997.

Hon. FRANK RIGGS,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN RIGGS: On behalf of the United States Catholic Conference, I would like to share some concerns we have with H.R. 2746 which place the USCC in the regrettable position of being unable to support this proposed legislation as it is currently drafted.

Allow me to state explicitly that the USCC has historically supported the right of all children to receive a quality education, be that in a public, private, or religious school. We recognize that the intent of your proposed legislation is to enable low income parents in areas of high poverty to send their children to the school they feel best serves their educational needs. We support the intention of H.R. 2746 in principle. However, we cannot support the proposition to fund this program through Title VI of the Elementary and Secondary Education Act or a program that contains the possibility of negating the application of current civil rights statutes.

Of all federal programs requiring the participation of private and religious school students, Title VI is the most utilized by, and impacts most positively, private and religious school students. Title VI enables all schools, public, private and religious, to improve curricula, technology, literary programs, as well as obtain library and instructional materials. For over thirty years this program has had the highest participation level and the most equitable distribution of benefits for private and religious school students and teachers.

Noting that the Clinton Administration has repeatedly zero funded Title VI in its annual budget proposals, as well as the Administration's strong opposition to any form of parental choice legislation, the USCC believes any move to amend Title VI in this manner would jeopardize the entire Title VI program by subjecting it to a potential use of the line item veto. It is the USCC's position that Title VI funding is so fundamentally important to public, private, and religious schools and their students that it should in no way be placed in such a compromised position.

The definition of a ''voluntary public and private parental choice program'' in new section 6003(3) of H.R. 2746 raises an additional concern. Participation of a single private school in a choice program would meet the requirements of the new scholarship program. Thus, it would be permissible for an LEA or an SEA to divert significant Title VI funds to public schools by designing an overwhelming public school choice program that includes only one token private school. Under the current statute, public and private school children share equitably in the benefits and services provided with Title VI funds. LEAs and SEAs should not be allowed to upset this longstanding balance under the pretext of a public and private parental choice program that in reality would essentially be a public school choice program. While the USCC is confident that this is not the Sponsors' intent, H.R. 2746 needs to be clarified to insure that the choice programs authorized include representative numbers of both public and private schools.

An additional reason why the USCC is unable to support H.R. 2746 is the ''Not School Aid'' provision in the new section 6405(a). Whatever its ramifications for defense against an Establishment Clause challenge, section 6405(a) can readily be construed to negate the application of longstanding civil rights statutes, in particular Title VI of the Civil Rights Act of 1964, Title X of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, that would normally apply to a scholarship program. Lacking independent antidiscrimination provisions elsewhere in H.R. 2746, section 6405(a) effectively means that out of the myriad of uses of Title VI funds authorized, only the scholarship program authorized by H.R. 2746 would be exempt from the civil rights statutes cited above. Without clear confirmation that section 6405(a) cannot be construed in this manner, it will remain a serious concern for the USCC. Contrary to what some may argue, we have been advised by counsel that applying the civil rights statutes to the attenuated indirect benefits that participating private schools may receive from enrolling scholarship students will not result in an Establishment Clause violation.

Again, the USCC expresses its support for the intent of the proposed legislation, but is unable to support H.R. 2746 due to the reasons outlined above.

Very Truly Yours,
Rev. Msgr. THOMAS J. MCDADE, EdD,
Secretary for Education.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ROTHMAN].

Mr. ROTHMAN. Mr. Speaker, today unfortunately the radical Republicans in Congress are continuing their all-out attack on the public school system. They want it to wither on the vine, because just like with Medicare, the conservative extremists do not believe in public school education.

Public school education is the key that unlocks the door to the American dream for 90 percent of America's children, including my own two kids. We cannot allow these people in Congress to destroy America's public school system. Besides, what would be next? Are we going to give people vouchers to buy books if they do not believe in the public library? Are we going to give people vouchers to buy their own swing set if they feel that the local playground, local park, is inconvenient?

No, because we are still a country that believes in the collective good and the American dream. Let us fix our

public schools, let us encourage charter schools to create competition, but let us not pillage the public school system in America. That will not be good for America.

Mr. RIGGS. Mr. Speaker, I yield myself 30 seconds to suggest to the gentleman who just read that prepared statement that he ought to listen to the poignant testimony of Devalon Shakespeare, who is the parent of a child who attends a parochial school in Cleveland under the Cleveland parental choice program, and who testified at our field hearing there. Here is Mr. Shakespeare's words. He happens to be an African-American:

''I'm not going to tear down the Cleveland Public School System,'' and we are not trying to do that on this side, but he went on to say, ''I don't have time to wait for a school system to get themselves together. I'm trying to raise my children now.''

Mr. Speaker, I do appreciate the bipartisan efforts of the gentleman from Indiana [Mr. ROEMER] on the charter school bill, and I hope later tonight or tomorrow, whenever this week we vote on that legislation, a majority of his Democratic colleagues are going to support final passage of the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], a former public school teacher.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time. One of the previous speakers made mention that this legislation, and I support this legislation, was a radical idea. Let me just tell Members some of the radicals in this Nation's history. THOMAS Jefferson was a radical, and he broke with tradition. Martin Luther King, Jr., was a radical, and he broke with tradition. Those people from our past had dreams.

I am a proud product of the public school system. I graduated public school 33 years ago, and it was an integrated public school. I am a proud former public school teacher. The only way we are going to improve the quality of our schools is to break with tradition. The only way we are going to improve the quality of the public schools is to come up with ideas and find alternatives. This Nation is based on ideas. This Nation is based on dreams. This Nation is based on vision. This is a visionary piece of legislation. I urge my colleagues to support it.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, one thing we can all agree upon here tonight is we have a fundamental obligation to confront the facts as we debate what is going to happen to children around the country in our public school system. I think it is clear the burden has not been met by those who are advocating the vouchers to prove that this will have a substantial impact that is positive to a substantial number of kids in our public school system.

It has been suggested our schools are broken. It is our fundamental obligation to fix those schools, working with the State, working with school boards, working with cities and counties to make those schools work. If we were to invest a fraction of the time and energy that has been devoted to these vouchers in trying to come through with positive reforms for our schools, we would have some positive impacts for all of our kids.

Let me give Members one specific example. Charter schools. Charter schools in my State, in Florida, are resulting in a serious reduction in the administrative costs in school systems. What the schools are doing is they are taking that money and they are putting it into class size. An average class size is 17 children in the charter schools that have been opened in many places in Florida. That gives a teacher more opportunity to provide attention to the gifted child, to the child with learning disabilities and to the average child. Equally importantly, it gives that teacher the opportunity to control unruly and disruptive kids in that class. That is positive reform. That is real reform. That is making a difference.

Public school choice, which we also adopted in Florida, is another meaningful way of empowering parents to choose the school of their choice for the child. We have also had success with magnet schools, both in Tampa, my home, and the State of Florida. These are proven, positive reforms at work. All we need to do is invest in making them happen. This is the way we impact our kids positively. Let us defeat vouchers and get on with some real business.

Mr. RIGGS. Mr. Speaker, after hearing the last gentleman's comments, I can tell he is very genuine and sincere, but I cannot understand why the National Education Association, the nationwide teachers union and the core constituency of the national Democratic Party opposes the Riggs-Roemer charter school bill.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I just want to address the gentleman from New Jersey saying that we had radical ideas. My wife is a public schoolteacher and a principal today. She has got a doctorate in education, a master's in business, and a master's in education. I was a teacher in the public education system. My children have gone to public schools.

The last thing we want to do is hurt public education. But when we look at the position we are in in many of our schools, we do not want to deny children to get the same education as anyone else does in an education system. It is not a radical idea, it is an idea for the time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I thank the gentleman from Missouri [Mr. CLAY] for yielding me this time.

It is so interesting to hear my colleagues on the opposite side of the aisle quote African American parents and their desire to have vouchers. I think that it suggests a few things. I would hope that the Republican Party and my leaders on the other side of the aisle would listen to African American families more often as they debate health care and debate education and debate ways to balance our budget in humane and compassionate ways.

But if we want to talk about African-American kids, I think it is somewhat unfortunate, because this is, indeed, an American issue. America's single greatest threat in tomorrow's marketplace is an uneducated work force. I would caution the gentleman from California [Mr. RIGGS] and all of his colleagues as they travel down that treacherous path.

I have been to a school in my district this last few days, Mr. Speaker, called Mitchell High School, where all of my aunts and uncles graduated from. They are the recipient of a corporate grant from the Pfizer Corp., which allows them to engage in an environmental study program at the school. All of the kids in the class came into the school yesterday, although school was out, to allow parents and teachers to engage in parent-teacher conferences. The kids all said the reason that they enjoy this class, Mr. Speaker, is because it is interesting, it is challenging, it is stimulating. No one talked about vouchers, no one talked about public schools, no one talked about choice.

If we are so concerned in this body about children and African American children, Latino children and inner-city children, let us listen to what the young people are saying. They want to be challenged and stimulated in the classroom. There is no guarantee that vouchers will do it or charter schools will do it, although I am a supporter of charter schools. But one thing is for certain. The plan that the gentleman has put forward will only impact a minute, finite number of kids in our school system and say they are helped. What do we do with the remaining 52.3 million kids in our school system, Mr. Speaker?

Mayor Daley in Chicago has shown us that the public school model can, indeed, work. Chicago is faced with every conceivable ill in the public system, yet Mayor Daley has tackled it, embraced it and moved forward.

I would say to my friends on the other side, defeat this bill, do what is right for kids. Let us challenge, stimulate them and empower them.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I listened to my colleagues on the other side, particularly the gentleman from Maryland [Mr. GILCHREST] when he talked about innovation. We are all for

innovation. I think the Democrats have clearly shown that we would like to see innovative programs in the public schools. But what we are saying is that that innovation should not be through private education, it should be through public education.

We went down a couple of weeks ago when the Republicans brought up the school vouchers bill in the D.C. schools to the Brent School, I think it was, just a couple of blocks from the Capitol. What we saw was a very innovative program in the public school, a public school that was doing great with tutoring programs, with some innovative programs in various ways.

In my home State of New Jersey through Goals 2000, I can give Members a whole list of innovations that are being accomplished in the public schools in New Jersey. That is a great thing. Innovation should be done, but it should be done in the public schools.

□ 1915

Do not give up on the public schools. And I am afraid that is what my colleagues are doing. They are saying that they want to help the public schools, but this is just taking resources, scarce resources, away from the public schools.

This money today comes from an innovative approach in the classroom fund in title VI block grants which are used for innovations in the public schools. If they keep draining away the resources from the public schools to use them for a voucher program, there is not going to be anything left for innovative programs in the public schools.

The Republican leadership has been steadfastly against public education. They wanted to abolish the Department of Education. They have repeatedly slashed funding for public education in various Congresses, going way back.

So do not tell me that what we hear about today is trying to help the public schools through some sort of competition. That is not true. If my colleagues want to help the public schools, then put the money where their mouth is; put it in public education, do not take it away from title VI programs.

And that is what I see happening here over and over again in this Congress, started with D.C., where they have some of the most serious problems in terms of need for renovation and repairs and could use that money to fix up the schools, and now trying to expand this terrible voucher program nationwide.

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds to point out I am glad the gentleman mentioned D.C. public schools since he opposed and voted against opportunity scholarships for 2,000 District of Columbia parents and families even though that school district spends $10,000 per child and has the worst test scores and lowest graduation rates of any inner city school district in the country.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. FLAKE], a colleague who will soon be retiring from the House of Representatives, who has been a brave, courageous, lonely voice at times on the other side of the aisle and the Democrat cosponsor of this legislation.

Mr. FLAKE. Mr. Speaker, I stand in support of this bill as sponsor of the bill, and I realize that over the last few weeks I have been called everything from an enemy of the people to whatever can be imagined. But I do not have a problem with that, I do not have a problem with that, because I stand on my credentials.

I started my career in Head Start. I saw young people that we were able to get to second grade level. We tested them at second grade, tested the same young people at second grade after they had been in public school for 2 years. They were still at second grade level in most categories.

And I also represent I am a person who built a school almost 20 years ago. That school does produce young people at $3,200 per child versus $10,000 per child in the same district we do not test kids in. Those kids are educated; they are able to pass the national tests; they are able to function in an environment that is competitive.

I also served as dean of students at Boston University and as associate dean of students at Lincoln before that, and for those who say I cannot reason, I have an earned doctorate, not an honorary but an earned doctorate. So I do not think I am in a position not to be able to reason.

I just think that this issue transcends party, this issue transcends race. It deals with a simple question of educating our young people. All of our young people are not being educated. There is an upper tier and a lower tier. The lower tier is represented by many of the schools in the district that I represent, and on that lower tier I will tell my colleagues that these young people are not being prepared so that they can compete in the society in which we live.

We must do everything we can to assure that the public school system that we speak about is one that does not discriminate. We talk about discrimination provisions and civil rights provisions. I agree wholeheartedly that that is an appropriate discussion. But the reality is, discrimination is practiced every day in the system when young people in districts like the one I represent cannot go to the school, the better schools, when the young people in my district cannot go even to the better schools in the district because certain of those districts have limited the number of seats that are available for those young people to participate. They will take the cream of the crop; they leave the worst behind. They leave them in situations where they are not being properly educated. That, my brothers and sisters, is discrimination.

I think the system must benefit every child and must benefit them equally. The school system is not doing that. There are too many children who are stuck, there are too many children who have lost their dreams, have lost their hope of ever being able to be competitive in the society in which we live.

And there comes a point in time, and I saw it as I was in charge of the admissions program in both universities, when those young people have to compete with other persons, whether it is the ACT exam, the SAT, or whether they try to go to graduate school and get MCAT's and LSAT's and GMAT's. They are not competitive. We have an obligation to make them competitive in this society. If we are not doing that, we are not being fair to them. We must challenge them, and we must challenge the system.

I will vote for charter schools because I believe that we have to have all of the alternatives that we possibly can, but I also think that scholarships must be considered. I sit on the scholarship committee in New York. We put our 27,000 applications; 1,000 of those applications are all we could afford. Those were moneys that came from the outside. The persons I sit with on that committee represent some of the persons in this country who make the highest salaries, but they will not put those moneys in the public system.

I would say to my colleagues, those persons who pay their taxes every day deserve to have their children educated, and they deserve to have them educated without having a double tax because they turn right around and have to pay for private education.

My brothers and sisters, I will yield when I finish, when I get closer to the finish. My brother who is standing now says that we have not had groups, we have not had focus groups. Well, let me tell my colleagues, I was with 400 people and parents on Saturday at the Tucson Institute. Every one of those parents were there for one reason: Their children are not being properly educated.

I meet with an education focus group. Those people are generally teachers in the public system. They say, we have got to do something; we cannot do the job that we have been hired to do because of the bureaucracy in this system; we cannot do it because other people in the unions are jealous of us and will not let us do the jobs.

I say to my colleagues, let us try something. I cannot afford to see many more children die from this genocide.

Mr. RIGGS. Mr. Speaker, I yield the gentleman from New York [Mr. FLAKE] an additional 30 seconds.

Mr. FLAKE. Mr. Speaker, we must accept the fact that there is a lower tier in the system, and in that lower tier, genocide is being practiced every day, and when they cannot manage these children, they put them in special ed. It is the first track toward incarceration, and we wind up spending money for those children later on.

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

Mr. FLAKE. I yield to the gentleman from New York.

Mr. OWENS. How long is the waiting list at your excellent school?

Mr. FLAKE. My waiting list is 150 students. That is why we have to create as many slots as we can. And I take back the balance of my time.

Mr. OWENS. How many can you accept?

Mr. FLAKE. I cannot accept them because this program is for a different income class, but I will build another school.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, another day, another attempt to siphon resources away from our public schools. That is what is really before us today, a proposal that will take tax dollars and use them to subsidize private schools.

See, it seems the Republican Party has given up on public schools. Instead of trying to make them better for every child, it wants them to die on the vine by starving them of the resources they need. The bill before us takes money that is targeted to helping public schools and, as the gentlewoman from New Jersey [Mrs. ROUKEMA], a Republican, has said, creates a new educational entitlement for private schools. It is legislation driven by politics, not policy. It is a bill that has no hearing but a well orchestrated press conference behind it.

America's children deserve better than to be part of a poll-driven political strategy, which is just what this is. The answer to the woes in our Nation's schools that we have heard from the majority does not mean giving up on our neighborhood classrooms. The answer is a national commitment to fixing our schools so that every American child can live up to their God given potential.

In a northern rural part of my district, for example, Tehama County, California's Department of Education has just released this year's test scores. Second grade reading scores are up 29 percent over last year; third grade reading scores soared 24 percent.

So how did this school turn things around so that every child in this public school received a first-class education? Let me tell my colleagues. It slashed class sizes from 33 to 20 students, it trained teachers to do their job better through professional development classes, it made sure that teachers and their students committed 3 hours every day to literacy, and it made sure that every classroom was wired to the information highway.

When we make the commitment to public schools, they work. When parents and teachers and students and communities demand accountability from public schools, they work. So why is it that the Republicans want to pluck a select few out of the public schools while taking resources away from the rest? Why do they want to destroy schools that are accountable to parents and the community and give our tax money to private schools that put their bottom line ahead of the common good? Why is it that the very same people lecturing us here tonight about how public schools are failing are the very same Members who will not support the President's proposal to devote more of our resources to teach children how to read?

If schools are failing, the solution is not to give vouchers to a handful of children and leave the rest behind. The solution is fixing the problem, fixing the whole school, not providing a handout and taxpayer subsidies to private schools.

The choice tonight is clear. We ought to support choice in the public schools, not aiding private schools through vouchers. As a parent whose four children have gone to public schools, and they have never been, I might add, in the racial majority in any of them, I reject this effort to placate the political right.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to point out that under our bill the money goes to parents, and, unfortunately, there are those on the other side of the aisle, such as the gentleman who just spoke, who is perfectly prepared to tell those parents, the poorest of the poor, whose children attend unsafe or underperforming schools that there is no hope for them and for their children.

Mr. Speaker, I yield 15 seconds to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, the bill will increase the amount of money that goes to the public schools because they are going to be able to keep more of the title VI money. It then lets them have the discretion to use that for these scholarships if they want. So it is going to mean more money for the public schools and more options for them and I think, and I hope, work out for more options for low income Americans.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Speaker, just a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCCOLLUM). The gentleman will state his parliamentary inquiry.

Mr. RIGGS. At this point in time we have two speakers remaining, the majority leader of the House of Representatives and the Speaker of the House of Representatives, and it is our intent that if the minority agrees that at this point the majority leader would speak, then there would be one more speaker on their side to close debate on their side, and then we would go to the Speaker of the House to close the entire debate.

Mr. CLAY. Mr. Speaker, the gentleman is correct.

Mr. RIGGS. Mr. Speaker, I yield 4 minutes to the Majority Leader of the House of Representatives, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, let me say at the outset that this legislation that we are debating today has practically no relevance whatsoever to the people who live in the 26th District of Texas, does not impact on their lives, does not mean a thing in their lives. People in my district, in the suburbs of Dallas, are relatively well off. They made their school choice when they took their incomes from their relatively good paying jobs and moved into the neighborhoods where the schools were sound, safe, and of service to their children. They are not interested in this subject, not the least bit. Many of them take their incomes and take their child, while they pay their local taxes to support the public schools, take their child to another school.

I myself took my own son out of the public school in the district in which I paid my taxes and to another public school down the road that had a better music program, and I myself was able to pay for the tuition costs. It is good fortune for my son.

And in this current law, these same schools that are so well off on their own basis received title VI moneys which they can use now for technology curricula or other instructional materials, library materials, assessments, magnet schools, literacy programs, gifted and talented programs, dropout assistance, and other reform activities.

□ 1930

What we are thinking about here is those schools that are quite frankly in the minority among all the schools in America but, strategically relevant to the lives of the children in their communities, simply are failing the children, children whose parents are not well off like the parents in my district, children whose parents are not able to move to a better school district. They are not able to make all of the conventional, quiet, silent school choice decisions that many Americans make, but they find that it is imperative that their child get an education, perhaps even more so than the children that live in my district. They know acutely in their mind that the only hope for their child is to get an education that works in that child's life.

They do not care about theories. They do not care about dogma, they do not care about politics. They care about their child. And we are saying, let us extend the things under which title VI monies might be used by the State, might be used by the State, to construct on behalf of those parents and those children the option to take that child that has now and next year to get through the third and the fourth grades and to do so successfully, so that they can be prepared to go on, and take them out of that school that today is failing that child and put them in that school in which their child can succeed, even though they do not have the independent means to do it themselves, to add another option for the parent on behalf of the child.

I cannot imagine anybody that would look to those parents who so desperately want this opportunity for this child now and say, mom, dad, why do we not wait until we repair this school that is failing this child now, in total disregard to their fear that this child will have lost this year, for this third grade, while they were waiting for help to arrive, that hopefully will arrive.

This is not an expression of lack of appreciation for public education. It is an expression of love for children who are caught in circumstances beyond their parents' control where their only current option is a school that is a proven failure, and a willingness to say to the States, if you have the heart for these children and these parents, you may use these funds to give those parents who cannot otherwise afford it a chance to do for their child what wealthy parents in my district do every day of their life.

I do not understand anybody who can find that objectionable. A child is not precious because he lives in my district. A child is not precious because his folks can afford to pay taxes for good schools that really shine. A child is not precious because his mom and dad can afford Sidwell Friends. A child is precious because a child is precious, and every child deserves whatever help this Congress can find it in their heart to do. That is really what it is all about. Is it about heart, or is it indeed about politics?

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I just wanted to ask the honorable majority leader if he could explain the fact that the State of Texas actually introduced vouchers in the legislature. They actually had a floor vote in Texas and it failed in the State legislature; it was not passed in the State legislature of Texas.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

The SPEAKER pro tempore (Mr. MCCOLLUM). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4¼ minutes.

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

Mr. GEPHARDT. Mr. Speaker and Members of the House, I urge a ''no'' vote on vouchers and a ''yes'' vote for public schools. I want to say that I think everybody here tonight is well-meaning and everybody here I would submit cares about what happens to our children, but I believe that we have to enter into a new discussion. Part of that will happen with the gentleman from Indiana [Mr. ROEMER] on charter schools.

There are other ideas that we are wanting to talk about: Early childhood development, Basics by Six, well-trained teachers and equipped classrooms, relief for crumbling and overcrowded schools, support for local plans to review neighborhood public schools, efficient and coordinated use of resources, parental choice for public schools. This is an agenda that begins to start a national conversation about how we improve our public schools.

I had a meeting this morning in my district with the superintendents of all of the school districts in my district, the City of St. Louis, many of the county districts in St. Louis, Jefferson County, and I asked them about this agenda, and I asked them about what we ought to be talking about. Incidentally, most of those school districts, in fact all of them, get very good outcomes. That does not mean it is uniform. That does not mean that every kid is getting a good education. It does not mean every child is graduating, but they are getting some pretty darn good outcomes.

We never talk much about that; we never congratulate the people in the public schools that are doing a good job and getting a good result, which is the vast majority of our public schools. We act sometimes as if all the schools are bad and all the kids are not getting an education. Not true.

Mr. Speaker, when I asked my superintendents what they thought we ought to be talking about today instead of vouchers, they talked about repairing crumbling schools. One superintendent said, yes, you want to talk about computers? I cannot get an electric line from the electric pole outside my school to support computers. And then once, if I got the electricity and got the computers and got the software and trained the teachers, who would pay the connection charges to the Internet?

They talked about early childhood education. Every kindergarten in Missouri does not have kids go all day at age 5. They said the best thing you could do would be to have the kids come all day at age 5 into kindergarten so we could get a good start. That would probably be more important than many of the other ideas put together. There is a long list of things that we ought to be talking about our public schools.

Let me say to my colleagues, I think the organizing principle of this society should be making sure that every child is a productive citizen. After World War II we knew what the organizing principle in our society was. It was to make sure that we deterred nuclear war and we kept the Russians from invading us, and fighting communism, and everybody knew their role in that great mission that we won when the wall came down. But since then, we do not know what our organizing principle is. And the truth is, it is not just money; it is everybody's commitment to this task of making sure every child gets a chance at a good education.

I was in a school in my district last week, Shepard's School in the City of St. Louis, and they had all the mothers there. The principal goes out and sees parents who will not come in and work in the school and the one mother got up and she said, I work at night, but I am here every day from 7:30 in the morning until 3 o'clock in the afternoon, and I am here to do whatever the principal and the teachers want me to do. I said, why do you do this? She said, I have 2 kids in this school and I want them to have a good education and I want them to go to college. But then she said, but understand, every kid in this school is my child.

That is the attitude that we have to have on the part of every American in this country. Every child is my child. Even if I do not have a child in the school, I want to be in the school, because we must raise these children to be productive citizens. We must not siphon off the dollars that are so desperately needed by our public schools to go to private schools. We have to make sure that they go to the children that are wanting and demanding an opportunity to succeed.

Let us make that the organizing principle of this society. Let us stop this discussion of vouchers and let us get on to the discussion, the unfinished agenda of this country, to make the public schools in this country better. We can do it, and we are going to do it starting tonight.

Mr. RIGGS. Mr. Speaker, by his comments I guess the minority leader is suggesting that he will help us get a majority of Democratic votes for our charter school bill later tonight or later this week.

Mr. Speaker, at this point in time I am very proud to yield, for the purposes of closing the debate on the HELP scholarships bill, to the Speaker of the House, to the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 2¼ minutes.

Mr. GINGRICH. I think it should be very clear to everyone who actually pays attention to this amendment that it is about educating our children. It is about educating children in schools where they are currently failing.

Let me give my colleagues the numbers for Washington, DC. If you are in the third grade in Washington, in mathematics, 37 percent of the students perform below grade level. But if you stay in those schools, by the time you are in sixth grade, 55 percent of the students perform below grade level. If you stay in those schools, by the time you are in the eighth grade, 72 percent of the students perform below grade level. If you stay in the schools, by the time you are in the tenth grade, 89 percent of the children in Washington are performing below the grade level.

Now, I do not think that is because children in Washington are peculiarly stupid. I think that is because they are trapped in a system which serves the union, serves the bureaucracy, serves the politicians, but fails to serve the children.

My good friend from Missouri made a great appeal. I want these children, the

89 percent who are scoring below grade level, to have a chance to have a decent life. I want them to have a choice to go to college and not to prison. And I know that after all of the years of trying, that all the speeches on this floor is not going to save a single child by keeping them trapped in a room that fails.

Now, recently, two very successful Americans announced that they would establish 1,000 scholarships, funded with private money, and in 10 days time they received 2,000 applications, 2,000 from parents who love their children and want them to avoid prison by having a chance to go to a school with discipline and having a chance to get an education, in 10 days time.

Now, what does this amendment say? It says that if your State legislature, your State legislature, wants to give children in your State a choice, to give the parents a choice; this is this great, radical, new, terrible thing. That is all it says, is that your State legislature can use some of that title VI money to give the children of your State a choice if they have concluded that theirs is a school district so bad, a school system so terrible that those children currently are being destroyed.

What do our friends over here on the left say? Do not even trust the State legislature to try to create an opportunity for those children to escape the union and escape the bureaucracy and escape the failure. Now, really, is it not sort of frightening to think that we have to trap the children?

I will just close with this observation. I am a graduate of public schools and I taught in a public high school. My wife is a graduate of public schools, both of my daughters are graduates of public schools, we believe in public schools, and in my district, middle class people have a choice because they move into our counties to go to school, and the rich have a choice because they send their kids to private school.

The only people in America without a choice are the poorest children in the poorest neighborhoods who are trapped by the bureaucracies and the unions and exploited against their will. Let us give those children a chance to go to college and not go to jail. Let us vote yes on this amendment.

Mr. CUMMINGS. Mr. Speaker, weeks ago, a vicious assault was made against Washington, D.C. public schools by offering vouchers as a cure-all solution; today, another assault is being directed against American public education. This proposed $310 million funding is not an investment with an anticipated return for better education in America; this funding is merely a political ploy. I oppose political motives at the risk of poor and disenfranchised children in America. I oppose this assault on public education.

Mr. Speaker, as a result of the Brown versus Board decision, announced in 1954, our nation began to address the issue of unequal education systems in the United States.

Today, a different phenomenon catches our attention. We witness a continued disparity within our education infrastructure among the rich and poor children of our society. The rich continue to gain access through the door of opportunity, while the poor are simultaneously condemned to the locked room of despair.

Mr. Speaker, the advocates of this bill say that it would correct the problem of continued disparity in our impoverished and disadvantaged communities.

Mr. Speaker, few students will actually benefit from this scholarship program relative to the entire group of impoverished students in America. Many students currently enrolled in public school will be left behind in inferior and unequal education institutions. Finally, many families, to whom vouchers would be given, would not have the necessary income to defray the residual costs of additional tuition for private schools. It is emphatically clear that the most needy families in America will not benefit from this voucher initiative.

Mr. Speaker, the day Congress appropriates for school vouchers is the day Congress abdicates from the long-lived and enduring concept of quality public education in America.

Mr. Speaker, I support the continued development and success of public education in America. Voucher programs are impractical, and do not allow us to address the real concerns of American public education. I urge my colleagues on both sides to consider the full effects of this bill, and vote against this legislation.

Ms. DELAURO. Mr. Speaker, I rise today in strong opposition to this legislation. The so-called ''HELP'' Scholarships would gut our public school system and provide no help at all to the children who need it the most.

It's not surprising that a party with a member who painted public education as a ''communist legacy'' continues to try to dismantle our nation's tradition of public schools. Time and time again Republicans have tried to push through their anti-education agenda, only to be pushed back by Democrats and a President who has vowed to veto these bills which would destroy our public schools.

A few weeks ago, Republicans passed with a one vote margin a measure to impose vouchers on the D.C. school system. Today they are trying to impose the same experiment on all of our nation's children.

90 percent of America's children depend on public schools to provide them with the skills they need to excel in the future. But the Gingrich voucher experiment will not help these students get a better start in life. Instead, the Gingrich voucher experiment will siphon funds out of the public school system and give them to private schools. Public schools will be left without the resources they desperately need to buy books, fix leaky roofs, and put computers in the classroom.

This is unacceptable. Our nation was founded on the principle that everyone would have an equal opportunity to succeed. Public schools bring together students of all races, creeds and economic classes to learn together. Each student comes in at equal footing, and everyone gets the same opportunities. That is the formula that works.

No one is arguing that public schools don't need improvement. So let's rise to that challenge and give them the means to improve. Let's not set our public schools up for failure by denying them the assistance to make changes and improve their students' performance.

Don't abandon the public school system. Give our children help they can use—invest in our public schools, and oppose the Gingrich voucher experiment.

Mr. CALVERT. Mr. Speaker, I rise today to speak in favor of H.R. 2746, the HELP Scholarships Act. The title of this legislation is very appropriate—HELP Empower Low-Income Parents—because H.R. 2746 gives parents greater choices to provide their children with a better education. One of the most contentious battles looming before us today is the battle to save our children by improving education. But now is the time to stop talking about saving schools and start talking about saving students. We must put partisan politics aside and debate the merits of legislation based on what is best for our children, not what is best for the education bureaucracy.

Every child is unique and has different needs from the education system. Public schools may not be the answer for everyone, yet lower income families have no other choice. The system is clearly failing these students when you hear statistics like 40 percent of all 10 year olds can't meet basic literacy standards, U.S. eighth-graders placed 28th in the world in math and science skills, and almost a third of today's college freshman require some remedial instruction.

This bill helps the poorest of our nation and gives their children a chance that they never had to get a quality education. In some cases, that will mean staying in a public school or going to a nearby magnet school. In others, it will mean attending a private or parochial school. But who do we think we are to stand in this chamber and dictate where every child must attend school? We are elected to represent those families, not to dictate their lives. The parents should be the ones to decide which school is right for their child. By means testing this program, as the legislation mandates, it will guarantee that only the lowest income families will be eligible to receive scholarships for their children. No one can claim that this bill is just another way to subsidize middle class parents sending their children to private schools. Scholarships would only go to students whose families are at or below 185 percent of the poverty rate to cover the cost of tuition at any private, public or religious school located in the impoverished neighborhood.

This bill is about helping parents help their children. I want the parents and children in my district to have access to the best education possible. As a lawmaker, I owe it to future generations. I urge all of my colleagues to support H.R. 2746.

Mr. FAWELL. Mr. Speaker, I do, indeed, have some troubling thoughts about this bill—H.R. 2746, the HELP Scholarship Act—though obviously well intentioned.

The bill is presented as ''Parental Choice,'' but that choice is obviously conditioned upon the right of private schools to ''pick and choose'' which students will be accepted apparently on almost any condition—i.e., religion, creed, foreign birth, gender, academic standing, or mental or physical handicap. All in all, there doesn't appear to be as much choice for parents here as there is for the private school.

It is held out as ''competition for the public schools''. It surely is that, but it isn't ''fair'' competition, that is, there in no ''level playing field''. Public schools must accept every child who appears at its doors—regardless of race, religion, creed, foreign birth, academic standing, or mental or physical handicaps. When

we compare public and private schools, after all, we are comparing good apples and good oranges. They do not compete on the same playing field in elementary and secondary education.

I wonder too—as bad as things are in many low income area public schools—what happens to the kids who can't get into a private school and are left behind? There's bound to be a loss of public funds for them, less Ch. VI funds, less state aid which is usually measured on the basis of student population.

I'm also concerned that we didn't have a markup on this bill so we could have aired our feelings and better understood the precedent we are establishing.

I think too that Charter schools are a better vehicle to help kids in low income areas.

I wonder too about the provision in this bill which provides that states ''may allow State and local [tax] funds to be used for the voluntary public and private parental choice program.''

These concerns will cause me to vote against this bill in spite of the good intentions of the sponsor.

I think it is a troublesome precedent.

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2746, the ''HELP Scholarship Act.'' This measure amends the $310 million education block grant, title IV of the Elementary and Secondary Education Act. It is another attempt, by the Republican majority, to drain critical financial resources from our Nation's public schools and to put them in the hands of a select few students attending private and religious schools. These resources are needed to raise academic standards and achievements in schools that are increasingly overburdened with complex financial problems.

I am particularly concerned about the manner in which this bill has been rushed to the House floor. When supporters of H.R. 2746 realized that they did not have enough votes to report the bill out of the House Committee on Education and the Workforce last Friday, the full committee markup was canceled. Yet, late Wednesday night, the Rules Committee decided that H.R. 2746 would be considered under a closed rule, so that Members would not have an opportunity to offer amendments. The fact that this measure did not have full support from all of the Republicans on the House Committee on Education and the Workforce is a clear indication that H.R. 2746 is bad news for our Nation's students and public schools.

Mr. Speaker, supporters of school vouchers say that vouchers will foster improvements in the Nation's public schools by creating competition. However, as I mentioned earlier, school vouchers will drain scarce funds away from public schools, hurting the majority of students who will not have the opportunity to attend private and religious schools. Supporters of school vouchers say that vouchers will enable parents to send their children to any school that they choose. However, that is an illusion. Real choice remains in the hands of private school admissions officers.

Supporters of school vouchers also say that these programs raise student achievement. However, the most extensive research on the impact of existing school voucher programs does not show any clear, positive benefit. School vouchers programs are not powerful enough to impact the Nation's public schools in the way that supporters would like to believe.

The school voucher program in my own congressional district of Cleveland, OH, cost $6.4 million in 1996, including $5.25 million that had previously supported the Cleveland public school system's disadvantaged pupil aid program. And, while the program has only been in effect since September 1996, current evidence indicates that it has only had a marginal impact of the educational options available to public school families.

I strongly believe that we are morally obligated to ensure that all students across the Nation have equal access to quality education. We must not abandon our public schools. Instead, we must strengthen our commitment to improve them, doing all that we can to strengthen and reform them, not weaken them.

Mr. Speaker, I strongly oppose—and urge my colleagues to join me in opposing—H.R. 2746. This bill is bad public policy. Education reform can only succeed if all students benefit. There are nearly 46 million public school students in the United States and, it is estimated that by the year 2006, there will be 3 million more. School vouchers will only reach a limited number of students. We must support educational policies that will benefit all children. I urge my colleagues to vote ''no'' on the HELP Scholarship Act.

Mr. PAYNE. Mr. Speaker. I rise today in adamant opposition to the ''Help Empower Low-income Parents Scholarship Bill.'' Do not be moved by supporters of this bill who claim that by opposing this legislation you are supporting schools that fail to serve children well. Let me make it clear that I certainly do not support schools that are not able to perform the basic task of teaching children how to read and write. However, I will not give up on the public education system of this country. I will not give up on this system because it has served as the great equalizer for people of this nation. The civil rights movement was based on the notion that if all people are able to have the opportunity to receive a quality education then we truly will make real steps toward equality. By supporting schools that are designed to serve all children we uphold this vision. Giving up on our school system and this notion of educational equality is exactly what this bill will accomplish. It will put federal funds not in the hands of low income parents but in the pockets of religious and private schools that will crop up simply to capitalize on this voucher program. It will do nothing to better the situation education is in today, but perpetuate it and make it far worse. Republicans claim this bill will empower low-income families. However, if they really cared about low-income children, a disproportionate number of whom are minorities, they would have included language that would protect civil rights and guarantee equal educational opportunities for all students. This bill blatantly lacks such language. Instead, this bill contains only watered down anti-discrimination requirements for participating schools. This is a clear indication that Republicans have motives not to improve education but to funnel federal money to private schools and out of public control. Let me make it clear that I do believe that our schools need to be reformed. However, I strongly believe that if there is a problem with something you work hard to correct it. You make an investment and a commitment both financially and philosophically to change and reform that problem. This is a commitment and investment that the majority party of this Congress has not made. They have not supported legislation to invest in school buildings so that children are not exposed to leaking roofs and peeling paint. In the 104th Congress they attacked the school lunch program that keeps children well fed and their minds ready for learning. They cut education programs when they first took control over this body and only backed down when they heard an outcry of opposition from parents and voters. To make matters worse, they have paid little attention to the positive things going on in public schools across this country. In my district, the Harriet Tubman School in Newark is a perfect example of how our teachers, patents and students are turning things around. I refuse to give up on schools such as Harriet Tubman and implore my colleagues to not give up on similar schools in their district for vouchers that will tear down the notion of educational equality in this country. We must oppose this bill for the future of education in America.

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered as having been read for amendment.

Pursuant to House Resolution 288, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ETHERIDGE. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ETHERIDGE moves to recommit the bill to the Committee on Education and the Workforce with instructions to hold a full, open, and fair hearing and markup on the bill before reporting it to the full House for consideration.

□ 1945

The SPEAKER pro tempore [Mr. MCCOLLUM]. The gentleman from North Carolina [Mr. ETHERIDGE] is recognized for 5 minutes.

Is there a Member who claims opposition to the motion to recommit?

Mr. RIGGS. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from California [Mr. RIGGS] will be recognized for 5 minutes in opposition to the motion to recommit.

The Chair recognizes the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Speaker, I rise tonight as a dedicated education supporter and reformer to send this anti-public school bill back to committee. There is a right way and a wrong way to reform education in this country. It is absolutely wrong for the House to pass this voucher bill that sells out our children, our teachers, our public

schools, and the American taxpayer. Let me make it perfectly clear, it is wrong to take the taxpayers' money to subsidize private schools.

Mr. Speaker, prior to my election to the people's House, I served two 4-year terms as the elected State superintendent of the schools in my State. As school chief, I fought to improve, strengthen, and reform public schools so that every child would have the opportunity to live up to his or her God-given ability. I am tremendously proud of the record of accomplishment of the students, teachers, parents, and the entire community as they achieved improved performance in education.

Earlier this year, the respected NAEP came out, the National Assessment of Education Progress, and documented their successes. North Carolina's eighth-graders gained 18 points over the last 6 years on NAEP. That is more than twice the national average. Our fourth-graders gained almost three times the national average. North Carolina students have improved the equivalent of one full grade level during the decade. In other words, eighth-graders this year were one full year ahead of eighth-graders in 1990. That is the kind of improved public schools that the American people are demanding.

Mr. Speaker, I have been honored to have the opportunity to cochair the Democratic Caucus' Educational Task Force to develop a consensus for first class public schools. That proposal includes early childhood development for every child so that they will come to the public schools ready to learn; to recruit and train well-qualified teachers; to relieve our schools, which are crumbling and overcrowded, so children will have places to learn; ensure our public schools are safe and drug-free; and empower parents to choose the very best public schools for their children.

This agenda will work to improve public education for all children. Unfortunately, the bill before us tonight takes a headlong rush in the opposite direction. Instead of strengthening public schools, this bill represents a wholesale retreat from our national commitment to quality public schools.

This bill is a shameful act of cowardice. We must not turn our backs on the schoolchildren of America. Taking taxpayers' money to fund private schools is wrong. This bill is bad education policy. It is not even about education, this bill is about politics. This bill is about a cynical political agenda of some of the most extreme groups in this country. This bill is about dressing up an ideological agenda in a package of sound bites. This bill is about robbing our schools of precious resources needed to provide for quality education for all of our children.

Mr. Speaker, the legacy of this revolutionary majority in Congress has been one attack after another on our public schools. The previous Congress tried to abolish the Education Department, slash school lunches, and eliminate school loans. A few weeks ago a Member in the majority party even compared our public schools to the Communist legacy.

Mr. Speaker, I sought this office because I could not stand by and watch this Congress of the United States continue to launch attack after attack on our public schools. This bill is nothing but an ultimate attempt to scapegoat our schools, our teachers, our students, and our parents, and yes, their communities. Putting taxpayers' money in private schools is wrong.

I believe the American people want basic things: a strong national defense to keep our Nation free; safe streets and communities in which to live, work, and raise a family; an educated work force to keep us strong in an increasingly competitive global economy; and a public education system that provides each and every child the opportunity to make the most of his or her God-given ability. We must work to strengthen public school, not turn our backs on the public schools.

I urge my colleagues on both sides of the aisle to vote to recommit this bill, this underhanded attack on our public schools.

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

Mr. Speaker, I want to tell the gentleman who just spoke that we have held field hearings in Milwaukee and Cleveland and in New York City with virtually little, if any, participation by Democratic Members of this House. I suspect one reason those hearings were boycotted is because Democratic Members did not want to hear the overwhelming support from parents in those communities for expanded parental choice, such as the HELP Scholarship bill would permit. We have had hearings here in Washington as well, and we have had field hearings in San Fernando, CA, and in Phoenix on expanded public school choice through charter schools.

Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. TALENT].

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

I thank very much the experience shared by my colleague who just spoke. I would say to the gentleman from North Carolina [Mr. ETHERIDGE], if North Carolina or any State does not want to use these opportunity scholarships, there is a simple answer. They do not have to under this bill. It is up to them.

I want to read a quote from Jonathan Rauch, who was writing in the November 10th New Republic. I think it is applicable to the debate today.

''It's hard to get excited about improving rich suburban high schools that act as feeders for Ivy League colleges. However, for poor children trapped in execrable schools, the case is moral rather than merely educational. These kids attend schools which cannot protect their physical safety, much less teach them. To require poor people to go to dangerous, dysfunctional schools that better-off people fled years ago, and that better-off people would never tolerate for their own children—all the while intoning pieties about 'saving' public education—is worse than unsound public policy. It is repugnant public policy.''

Mr. RIGGS. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 3 minutes.

Mr. GINGRICH. Mr. Speaker, I want to take head on this question about public schools, because I represent a district which is very lucky.

Cobb County Public Schools are very, very good. There is a recent report out on the best high schools in Georgia, and two-thirds of them are in my district. They are in North Fulton, a fabulous area, growing rapidly. They are in Gwinnett County, a tremendous county, growing rapidly. They are in Cherokee County, one of the fastest growing counties in the State of Georgia.

When people of good income come to Georgia, and they move in looking for a job, and they look around, again and again they will say to the real estate agent, now, what counties have a good school? Where can I go to get a good school? And they will move into a good public school area.

I think that is wonderful. We are very lucky, and both of my daughters had a chance to go to the Carrollton Public Schools in Carrollton, Georgia, and they were terrific public schools. That is wonderful. This bill does not do a single thing to weaken those public schools. This bill does not take a penny away from those public schools.

If Members do not want to send their children to public school, and they are rich, they can just send them to private school. Maybe it is a nearby private school, maybe it is a distant private school, maybe it is a boarding school. They should take care of their kids.

That is not what this amendment is about. This amendment is not about people who can move into Cobb County and buy a nice, fancy house, or move into North Fulton or move into Gwinnett or move into Cherokee. Those folks are going to schools that are terrific. They are going to keep their kids in public school. This bill is about the child who is trapped in New York City or Philadelphia or Atlanta, the child who is trapped in Washington, D.C.

I read the numbers. After all the talk about reform and all the talk about help, how can Members of this House in good conscience trap a child in a school where, when you have been there in the tenth grade, 89 percent of the children score below the grade level? How can Members live with their consciences, saying, oh, if you are well enough off, move out to Virginia or move out to Maryland? If you are rich enough, send

your kids to a private, elite school, like many powerful politicians do? But now if you are poor and you are in public housing, and you have no money, and you are trapped in a school where you know that, literally, the longer your child stays in that school, the more likely they are to score below grade level, now, oh, we in the Congress are not going to take care of those kids.

I do not understand it. I do not understand how Members can walk off and leave a generation of children behind and offer them no hope.

Let me remind Members, what this amendment does is simple. It says that the State legislature has the option, it does not have to do it, the option, in a State that has a school system that is failing to offer the poorest children in the State, the weakest children in the State, to give the children with the least background an opportunity to go to a school with discipline, with learning, that is drug-free, and the difference is the difference between prison and college, the difference between pursuing happiness and being trapped in jail.

I would beg Members to look into their hearts, do not be afraid of the unions, do not be afraid of the bureaucrats, do not be afraid of the power structure; to look into their hearts, think about those children, and then vote to give them a chance to have a decent future.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

Without objection, the vote on the first suspension motion immediately thereafter will be reduced to a minimum of 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 203, nays 215, not voting 15, as follows:

[Roll No. 568]

YEAS—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
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
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barcia
Coburn
Cubin
Foglietta
Gonzalez
Holden
McDade
McNulty
Menendez
Payne
Porter
Riley
Schiff
Slaughter
Towns

□ 2017

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Riley against.

Mr. BATEMAN, Mr. BOEHLERT, and Ms. GRANGER changed their vote from ''yea'' to ''nay.''

Messrs. BENTSEN, DAVIS of Illinois, MARKEY, REYES, and Mrs. MALONEY of New York changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. MCCOLLUM]. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 191, nays 228, not voting 14, as follows:

[Roll No. 569]

YEAS—191

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth

Christensen
Coble
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—228

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Cannon
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Ackerman
Coburn
Cubin
Foglietta
Gonzalez
Holden
McNulty
Menendez
Payne
Porter
Riley
Schiff
Slaughter
Towns

□ 2025

The Clerk announced the following pair:

On this vote:

Mr. Riley for, with Mr. Porter against.

Mr. WALSH changed his vote from ''nay'' to ''yea.''

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the following two motions to suspend the rules, on which further proceedings were postponed earlier today, in the order in which the motion was entertained. The additional suspensions debated today will be postponed until later today.

Votes will be taken in the following order: H.R. 2644, by the yeas and nays; and H.R. 1493, by the yeas and nays.

UNITED STATES-CARIBBEAN TRADE PARTNERSHIP ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2644.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 2644, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 182, nays 234, not voting 16, as follows:

[Roll No. 570]

YEAS—182

Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bliley
Blumenauer
Blunt
Bonilla
Brady
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Christensen
Clement
Coble
Collins
Combest
Cox
Crane
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeLay
Deutsch
Dicks
Dixon
Dooley
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Ewing
Fattah
Fazio
Flake
Foley
Fowler
Frelinghuysen
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Greenwood
Hall (OH)
Hamilton
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Livingston
Lowey
Luther
Manzullo
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McIntosh
McKeon
McKinney
Meehan
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Nethercutt
Ney
Northup
Nussle
Oxley
Packard
Pappas
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Ramstad
Rangel
Redmond
Regula
Roemer
Rogan
Roukema
Ryun
Salmon
Sanchez
Sanford
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skaggs
Skeen
Smith (TX)
Snowbarger
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Towns
Upton
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
White
Wicker
Wynn

NAYS—234

Abercrombie
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Canady
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Duncan
Engel
Ensign
Etheridge
Evans
Everett
Farr
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Goode
Goodling
Gordon
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hastings (FL)
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hunter
Hutchinson
Inglis
Istook

Jackson (IL)
Jenkins
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (NY)
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Paul
Peterson (PA)
Pombo
Pomeroy
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Reyes
Riggs
Rivers
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sherman
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weygand
Whitfield
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Coburn
Cooksey
Cubin
Edwards
Fawell
Foglietta
Gonzalez
McNulty
Menendez
Payne
Porter
Riley
Schiff
Slaughter
Wise

☐ 2034

The Clerk announced the following pair:

On this vote:

Mr. Porter and Mr. Riley for, with Mr. Cooksey against.

Mr. CUMMINGS changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 470, I was unavoidably detained. Had I been present, I would have voted "yes."

REQUIRING ATTORNEY GENERAL TO ESTABLISH PROGRAM IN PRISONS TO IDENTIFY CRIMINAL ALIENS AND ALIENS UNLAWFULLY PRESENT IN UNITED STATES

The SPEAKER pro tempore [Mr. MCCOLLUM]. The pending business is the question of suspending the rules and passing the bill, H.R. 1493, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1493, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 20, as follows:

[Roll No. 571]

YEAS—410

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Paul
Ros-Lehtinen

NOT VOTING—20

Ackerman
Bonior
Coburn
Cubin
Ewing
Foglietta
Gonzalez
Goodling
McDade
McNulty
Menendez
Payne
Pickett
Porter
Riley
Schiff
Slaughter
Taylor (NC)
Towns
Wise

☐ 2043

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EWING. Mr. Speaker, on rollcall No. 571, I was unavoidably detained. Had I been present, I would have voted "yes".

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, on rollcall No. 571, I was negotiating with the White House and missed the vote. Had I been present, I would have voted "yes".

□ 2045

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mrs. LOWEY. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, U.S. taxpayers have spent over $500,000 on this investigation—money that could have been better spent providing 110 children with 1 year of Head Start;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore (Mr. MCCOLLUM).

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from New York [Mrs. LOWEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mrs. CLAYTON. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privilege of the House.

The form of this resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marine barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, U.S. taxpayers have spent over $500,000 on this investigation—money that could have been better spent providing prenatal care for 450 pregnant women.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from North Carolina [Mrs. CLAYTON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. BROWN of Florida. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intent to offer a resolution which raises a question of the privileges of the House.

I ask unanimous consent that the resolution be printed in the CONGRESSIONAL RECORD in its entirety.

The SPEAKER pro tempore. Without objection, the resolution will be placed in the RECORD.

There was no objection.

The form of the resolution is as follows:

Whereas, LORETTA SANCHEZ was issued a certificate of election as the duly elected Member of Congress from the 40th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 40th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman SANCHEZ and is pursing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman SANCHEZ' election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Florida [Mrs. BROWN] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. KAPTUR. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certification of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the continuation of this investigation discourages full participation of American voters in the electoral process.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 2100

The SPEAKER pro tempore. Without objection, the Chair's previous reading of the rule under rule IX with regard to this matter will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Ohio [Ms. KAPTUR] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mrs. McCARTHY of New York. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privilege of the House.

The form of the resolution is as follows:

Whereas, LORETTA SANCHEZ was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration, records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman SANCHEZ and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswomen SANCHEZ's election to the Congress; and

Whereas U.S. taxpayers have spent over $500,000 on this investigation—money that could have provided immunizations for 3,000 children; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous citation of the procedures for this matter under rule IX will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from New York [Mrs. MCCARTHY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. MILLENDER-MCDONALD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of this resolution is as follows:

Whereas, LORETTA SANCHEZ was issued a certificate of election as the duly elected member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and,

Whereas, a Notice of Contest of Election was filed with the clerk of the House by Mr. Robert Dornan on December 26, 1996; and,

Whereas, the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas, the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States and the INS has been asked by Congress to verify the citizenship of the voters; and

Whereas, the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas, the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas, the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas, the Task Force on Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas, the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman SANCHEZ and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman SANCHEZ's election to Congress; and

Whereas, Congresswoman SANCHEZ's election to the Congress represents an historic advance for all Americans, especially women and Californians committed to opportunity, equality, peaceful resolution of conflict and social justice; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the previous citation by the Chair of rule IX's disposition of this matter will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. MILLENDER-MCDONALD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, the business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the U.S. taxpayers have spent more than $500,000 on an investigation which has not provided any credible evidence to overturn this election.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous citation of the disposition of this matter under rule IX will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader of the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 2115

VACATING REQUEST TO LIST MEMBER AS COSPONSOR OF H.R. 2676

The SPEAKER pro tempore (Mr. MCCOLLUM). The Chair would like to make the following announcement. The unanimous-consent request earlier today by the gentleman from Georgia [Mr. LINDER] adding the gentleman from Ohio [Mr. TRAFICANT] as an original cosponsor of H.R. 2676 was not entertained by the Chair in that form under the precedent recorded on page 666 of the House Rules and Manual.

Since that time, the Chair has been informed that H.R. 2676 has been reported by committee. Without objection, the proceedings surrounding that request are vacated, but the request of the gentleman from Georgia [Mr. LINDER] that the record reflect the intent of the original sponsor, the gentleman from Texas [Mr. ARCHER], to list the gentleman from Ohio [Mr. TRAFICANT] as an original cosponsor will appear at this point in the RECORD.

There was no objection.

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2616.

□ 2116

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Florida [Mr. DEUTSCH] each will control 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield myself 3 minutes.

Just to start this discussion, Mr. Chairman, and the gentleman from California [Mr. RIGGS] will be carrying on here shortly, but I am a strong believer in the charter schools. I was not a supporter of the voucher bill that we just voted on, but I am a total believer that if we are going to deal with experimentation and change in our schools, this is the way to do it.

I have been in every single school in my State. This is Delaware we are talking about. It is 182 schools. I have not been in one of the charter schools, but I have been in our three charter schools which have started.

I think the best way to describe why we should increase this funding authorization from $15 million to $100 million and give them some additional latitude with respect to what they are doing is to say what is happening in these schools. The proof is certainly in the pudding when we see it here.

I have been to the charter school at Wilmington, which was sponsored by a consortium of six employers in Delaware and focuses on math and science. It offers the most rigorous academic program in the State, pays teachers based on merit, and emphasizes values and character development.

I have seen and heard of the Positive Outcome School in Dover, which targets children who are at risk of failure in school and who have learning difficulties and emotional problems. Ninety percent of students have attention deficit disorder, and 33 percent are learning-disabled. Positive Outcomes has a 1 to 10 teacher-student ratio.

Yesterday I went to the East Side Charter School in Wilmington, Delaware. It is run by the Wilmington Housing Authority. Every child in that school is a minority child. Nearly 30 percent of the school's students do reside in public housing. It is a K-through-3 school. It offers an 11-month academic year, a 1-to-15 teacher/student ratio, two full-day kindergarten

classes, a strong curriculum in the basic academics. It goes through teacher conflict. It essentially is doing the kinds of things we talk about doing perhaps to give our public schools a better opportunity. This is a great opportunity for those young people in that school.

This is a great opportunity for the Congress of the United States to step forward and to do something which will help those students who can go to charter schools, but will also help us see how we can do better in our public schools. That is really what this is all about. It is a relatively simple bill. It is a piece of legislation which I think we should support universally. The President supports it. The National Education Association actually sponsors some charter schools.

We would encourage the creation of charter schools by directing funds to those States that allow an increase in the number of schools. We would encourage autonomy over budget and expenditures of charter schools. We reduce the Federal setaside from 10 percent to 5 percent. These are the very kinds of things that we need to do in America if we are truly going to make our public education system better.

I look upon this as a great help for the public education system, as well as a great outcome for those students who can avail themselves of the opportunity to attend the charter schools which are in existence now. We are going to double our charter schools in Delaware next year. I hope with this legislation we can do more across the country.

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

The CHAIRMAN. The time originally granted to the gentleman from Florida [Mr. DEUTSCH] will now be controlled by the gentleman from California [Mr. MARTINEZ].

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

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

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

Mr. MARTINEZ. Mr. Chairman, I wish I could be as optimistic and enthusiastic as the last speaker was about charter schools.

As many Members know, I am cautious about charter schools. I am supportive of the concept of charter schools and their possible impacts on the larger public school system as a whole. The chairman of the subcommittee on which I am the ranking member, my friend and colleague, the gentleman from California [Mr. RIGGS], has held a number of hearings on charter schools to examine their place as an educational reform tool.

Obviously, since all of us, both Republicans and Democrats, say we are concerned about the educational opportunities of our children, we believe that charter schools are certainly an idea worth exploring, and in this instance probably an idea worthy of Federal support.

Throughout the hearings that we held on charter schools, we heard several serious problems, though, regarding the admission and provision of services to children with disabilities. In addition, controversy continues to swirl around the governing structure of charter schools in many States. Even here in D.C. there is a charter school that is in trouble, and the local school board is talking about taking away their charter. That is Marcus Garvey.

So I believe it is fair to say that because of their rather short existence, the oldest only being about 6 years old, there is still a lot to learn about their impact and their effectiveness in assuring educational success for our children.

Like I said earlier, while I have a positive outlook on the impact of charter schools on our educational system, I am concerned about the direction that this bill would take the Federal Government in the area of charter schools. I believe the bill raises a number of serious policy questions, and during later debate I intend to offer several amendments which I believe would fix these deficiencies.

This bill would establish, in my mind, a set of criteria which a State's charter statute would have to meet in order to ensure that the State is not at a disadvantage for funding. We here in Congress should not be in the practice of establishing funding priorities on how we believe individual State charters should be written, if we feel that flexibility is a success for them.

My colleagues who have heard me speak over the years know that I have always been concerned about unneeded interference by the Federal Government in the legislative affairs of the States and local governments. I have said repeatedly, it is local school boards who govern the school districts. Charter schools are defined by State statutes in the legislation they pass, so I do not believe it is the place of Congress through a micromanagement system to stipulate how that charter statute should be constructed.

I am also concerned about the changes in the period allowed for grants from 3 years to 5 years, and additional 2-year extension grants. I believe this change would force the Federal Government to begin supporting operating costs, rather than staying within the realm of start-up costs. Why should we extend the amount of time which a charter school would continue to receive start-up funds? Do we have charter schools taking 5 years to complete their start-up activities? I do not think so. I see little, if any, justification for that provision.

My last major concern lies in the rewrite of the national activities section of the statute. This bill would require the Secretary to make as his primary activity, with funds appropriated under the statute, the generation of private capital for charter schools.

I strongly believe that the emphasis of the Department's activities should be towards evaluation, technical assistance, and outreach, not to act as a Wall Street banker for charter schools. However, I do want to commend the gentleman from Indiana [Mr. ROEMER] for his extremely hard work in fashioning the bill that not only reflects his priorities, but Democratic priorities as well. The hard work of both the gentleman from Indiana [Mr. ROEMER] and his staff on this bill is a tribute to his dedication to the charter school concept.

In total, I do want to stress that I am not against the concept of charter schools. In fact, like many of my colleagues, I see the value in using charter schools as one of the many educational reform tools in our public education system. I just do not believe that the policy direction which this bill would take the Federal support of charter schools is in the best interests of charter schools or the children that they serve. I am hopeful that through the amendment process, that we can rectify the deficiencies that I have outlined.

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

The CHAIRMAN. The time originally controlled by the gentleman from Delaware [Mr. CASTLE] will be controlled by the gentleman from California [Mr. RIGGS].

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

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

Mr. Chairman, I intend to come down to the well momentarily, but while I stand here at this podium, I want to thank my good friend and vice chairman of the subcommittee for claiming the time and for his eloquent statement in support of charter schools.

Mr. Chairman, first of all, let me tell Members that I am pleased that I can rise in support of what I hope becomes, based on the final vote, a very strong bipartisan bill expanding public school choice for parents. I emphasize that at the outset, because I just want my colleagues to know that on the last vote we had, just about an hour or so ago, the idea of allowing State and local school districts around the country to use one particular category or source of Federal taxpayer funding for education to provide scholarships for low-income parents unfortunately was defeated in this Chamber by pretty much a party line vote. In fact, I have the numbers here. Eighty-two percent of House Republicans supported the HELP Scholarships bill, and 93 percent of House Democrats voted against it.

The other thing I want to say, so I can get any note of partisan rancor here out of the way at the outset of the debate, I also want to take exception to comments that were made recently by the President. I have here in my hand an AP wire story from October 24 that begins by quoting the President as saying, ''President Clinton suggested

today,'' October 24, ''that Congressional Republicans want the government to do next to nothing in education.''

It is unfortunate the President would say those words, because, of course, what we have on the floor now is a bipartisan bill that would, as I said earlier, greatly expand public school choice for parents, and which would fully fund the President's proposal for $100 million in Federal taxpayer funding for the start-up or creation of more charter schools in America during the Federal fiscal year 1998.

So, Mr. President, you were ill-informed or certainly misspoken when you claimed that we are doing next to nothing in education, because here is a bill where we fully intend to team up with a number of House Democrats, Members of the President's own party, to advance legislation that he have requested.

And I will daresay, as I said earlier this evening during the debate on the HELP Scholarships bill, that at the end of the day, either later tonight or later this week when we reach final passage on this bill, a majority, an overwhelming majority, of House Republicans are going to support the Charter Schools Amendments Act of 1997. I daresay a majority, I hope it is not a large majority, but a majority of House Democrats will vote against that legislation. So be clear, Mr. President and the American people, who is trying to do something for parents and for children in education.

Now, it is clear to me that with respect to education, we are seeing a phenomenon across the land in this country today. It is one of those that we could sort of put under the heading of when the people lead, the leaders will follow. I am referring to the growing and widespread public demand on the part of education consumers, parents, and guardians for more competition and more choice in education.

I would like to cite for my colleagues and introduce for the RECORD an article that appeared on October 1 in the Washington Post, not exactly a conservative newspaper, entitled ''Popularity Grows for Alternatives to Public Schools, Some Districts,'' referring to local school districts around the country, ''Some Districts Reacting to Threat of Competition.''

The article began by saying, ''In a movement flustering schools across the Nation, more parents than ever are choosing alternatives to public education for their children, including public charter schools, religious schools, and home schooling, so much that what once seemed a fad to many educators is instead starting to resemble a revolution.''

□ 2130

The article closed by quoting Robert Chase, who is the president of the National Education Association Teachers Union. I am not sure, Mr. Chase says, I am not sure if any of us really know yet where these trends are leading us, but it had better make us take a hard look at what we are doing in public education.

So I hope we are very clear that there is a growing competition and response to parents' concerns and that that growing competition is forcing the public school system to react. We are going to try to give that whole movement a little bit more impetus with the legislation before us on the House floor this evening.

I am very glad that I have been able to work closely with the gentleman from Indiana [Mr. ROEMER] on this legislation. Just on a personal note, he and his staff have been wonderful to work with. I think we really have forged a bill that strengthens existing law and which will enjoy wide bipartisan support in the House.

I think it is also important and fair to note that a majority of the Democrats on the full House Committee on Education and the Workforce supported this bill, 10 Democrats, thanks largely to the leadership of the gentleman from Indiana [Mr. ROEMER] and the respect in which he is held by his colleagues, 10 Democrats, 10 out of 18, so a majority voted for the bill in committee.

I believe, I hope I am correct in saying this, that the President has endorsed, if not this specific bill, legislation very similar in concept to our bill. And the Department of Education has issued a statement of qualified support for the legislation.

One reason for the growing bipartisan support for charter schools in Congress is the popularity of charter schools outside Washington, D.C., a popularity that has been soaring over just the last few years and that has led to Members, individual Members of Congress, hearing from parents, their constituents, about the demand, or maybe the desire is the better way to put it, for more and expanded public school choice.

This all began in 1991, in Minnesota, which became the first State in the Union to authorize charter schools. Now today, just 6 short years later, we have 29 States with charter school laws, along with the District of Columbia and Puerto Rico, and some 700 charter schools serving 170,000 children across the country. And there are more starting every day and several hundred more, I am told, on the drawing boards in these 29 States, the District of Columbia, and Puerto Rico.

So I think charter schools have arrived. They are now, I think, viewed as an integral component to reform and improvement of the public schools and our public education system. And the reports that we have heard and the testimony that we gathered during the committee process indicated that administrators who are running these charter schools are delighted to be freed up from stifling regulations. Teachers are, indeed, this is probably the most important aspect of independent charter schools, teachers are free to innovate, and students who attend charter schools are eager to learn, and their parents seem to be thrilled by the results.

We heard, during the committee process, from Dr. Yvonne Chan, who is a lifelong professional educator for the Los Angeles Unified School District and a charter school developer in the San Fernando Valley area of Los Angeles, about the three B's, which represented her frustrations with traditional public schools, what she called busing, bureaucracy, and but; the fact that her schools too often had to bus neighborhood children outside that neighborhood to go to another public school. Now, by starting her own charter school, she is able to bring those kids back into the neighborhood where they live to attend school there.

Bureaucracy, and I think we all know the concerns about bureaucracy, and charter schools are quintessentially an experiment, but they are a movement in decentralizing and deregulating local public schools, giving them autonomy from the bureaucracy.

And Dr. Chan talked about the ''but'' problem, the ''but'' syndrome. Every time she had a good idea to propose up through the ranks, she got back the answer, that is a good idea but we cannot implement it for the following reasons. She was a very important witness to us, as we seek to expand charter schools and public school choice through the use of Federal taxpayer dollars.

Congress, the Federal Government, has been involved in the creation of charter schools since 1994, when Congress first authorized national charter schools as part of the Elementary and Secondary Education Act and established an earmarked Federal funding stream to assist charter schools with start-up costs.

We heard from a number of charter school developers around the country what business entrepreneurs have known for years, and that is, in trying to start up a charter school, it often takes longer and costs more than they originally anticipated. So there is clearly an important role where the Federal Government and Federal taxpayers can support the charter schools movement.

This bill responds to concerns expressed by students, parents, teachers, and charter school operators or developers in our five hearings on charter schools, and it responds to the findings of various public and private studies, including the Department of Education's own first year report of their 4-year study on charter schools.

The highlights of the bill, very quickly, are these.

One, it meets the President's funding level, his budget request to Congress for charter schools, by increasing the authorization, the current authorization, from $51 million in Federal taxpayer funding for charter schools to $100 million. So that is roughly a doubling or 100 percent increase in Federal

taxpayer financial support for charter schools.

Two, it drives 95 percent of that money, the money for Federal charter schools, to the State and local levels to establish charter schools. It only leaves the Department with 5 percent to continue to conduct their study and other evaluation and national activities.

Three, it purposely directs the new money, the increase, the difference between 51 million and 100 million, to those States that provide a high degree of physical autonomy to charter schools and that allow for increases in the number of charter schools and that provide for strong academic accountability. We want to know, bottom line here, that charter schools are leading to an improvement in pupil performance and that charter schools are meeting or exceeding the academic performance goals set out in their charters.

Four, it ensures that charter schools can compete with traditional public schools on an equal footing for Federal categorical education aid. That is under the very simple premise that the money should follow the child and that charter schools should not be placed at some sort of competitive disadvantage in obtaining their fair and equitable share of per pupil funding under both Federal, State, and local funding sources.

Five, it directs the Secretary to assist charter schools in accessing private capital. That is particularly important to help charter schools deal with those up-front development costs, particularly capital expenses that they incur in trying to lease or renovate buildings and in trying to provide a housing or physical premise necessary to conduct a charter school.

Six, it extends the life of the Federal start-up grant from 3 years to 5 years in an effort to give charter schools a little bit more time to become financially stable and solvent, and that is again important because we heard from charter school operators in our hearings and in the written testimony, again, that many times while they were producing impressive academic results at the 3-year mark, they were still struggling to make ends meet financially.

This bill improves upon the existing Federal charter school law by sending more money directly to charter schools and by providing a maximum amount of flexibility for charter schools in that critical start-up phase. This legislation is the springboard necessary to meet the goal of having 3,000 charter schools in America in operation by the year 2000, a goal, a bipartisan goal, frequently cited by the President.

Again, in closing, I want to especially thank my good friend, the gentleman from Indiana [Mr. ROEMER], for his hard work on this issue and for the diligent work that his staffer, Gina Mahoney, has done in helping us to craft the legislation. He has, indeed, as his comments earlier tonight would suggest, been a very strong advocate for public education reform through charter schools, and this legislation would not be on the floor this evening without his very strong and active input and involvement.

I will close by citing these two charts. Clearly, support for charter schools is not only growing, as I mentioned earlier, but it really almost transcends the normal demographics and political party breakdown, as this chart indicates. There is strong support among all different groups, regardless of racial or ethnic backgrounds and regardless of political party affiliation, for creating more charter schools.

And lastly, since I referred to them, his comments earlier tonight in the context of our HELP scholarships bill, I do want to, out of fairness to the President, point out that he has been a leader on this issue. These are his comments from that same Presidential debate, the first Presidential debate in Connecticut last year with Senator Dole. He said there, I support school choice; I have advocated expansion of public school choice alternatives and the creation of 3,000 new schools that we are going to help the States finance.

And as I pointed out tonight, the Riggs-Roemer or the Roemer-Riggs or, as the minority leader suggested earlier, the Roemer bill would help us move much closer to that goal of 3,000 new schools.

And the President went on to say, I am all for students having more choices; we worked hard to expand public school choice; in my balanced budget bill, there are funds for 3,000 new schools created by teachers and parents, sometimes by business people, called charter schools that have no rules.

So I think we are on to something good here, and for those of us who truly believe that we ought to give parents more alternatives, that we ought to listen to the people demanding more choice and more competition, more freedom in the public education system, I think we have an opportunity to tell them, we hear you and we are going to respond to your concerns by the swift bipartisan passage of H.R. 2616, the Riggs-Roemer Charter Schools Amendments Act of 1997.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER], who is coauthor of the bill.

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 4 minutes.

Mr. ROEMER. Mr. Chairman, I would like to begin by saying that in this past session of Congress we have shown the American people that we wanted to work together in a bipartisan way to balance the budget, that we wanted to work together in a bipartisan way to provide modest tax relief for hard-working Americans, and now it is time to move on to education and work in a bipartisan way to help fix, restore, resurrect, and reform our public education system.

I want to thank for much of that bipartisanship the gentleman from California [Mr. RIGGS], my friend, and his fine staffer, Denzel McGuire, for her hard work, his entire personal staff and committee staff for their hard work. We have worked hours and hours, days and months on this legislation. The gentleman from California [Mr. RIGGS] has shown not only a very adept sense at understanding the legislation but a real common sense in listening to the people across this country that are very, very much in favor of charter schools.

I very much look forward to a strong bipartisan support here on the House floor, moving it to the Senate and then getting it signed by the President.

By the way, the President of the United States, President Clinton, not only talked about charter schools, which are public school choice, he has been a strong advocate of this program and wants to move from 700 charter schools that we currently have to over 3,000 charter schools. I thank the President and the Department of Education for their strong support.

Now, what are charter schools? Charter schools, for those listening out in Indiana and across America, are public school choice. Parents and students should be able to send their children to the best school in their environment. Whether it is an inner city or a rural community, let us insist on every public school being the best it can possibly be and that every child has the choice to go to that best public school. Let us make sure we save every one of these children and demand excellence from every one of our schools.

Charter schools are less regulated. Charter schools have less bureaucracy. Charter schools have more ability to be innovative and try new, bold ideas with the curriculum, doing partnerships with the business community, having longer school days and school years. Charter schools are cradles of invention and innovation, and we should very strongly support them today or next time we vote on this charter school legislation. I hope it is tomorrow or Thursday, whenever we get to this bill.

□ 2145

Public school choice is the way we should try to move in this country. What are the initial studies saying about school choice? The National School Board Association has noted that there are so-called secondary ripple effects with these charter schools, 700 of them already out there, that are now creating evidence that traditional schools are working harder to please local families so they will not abandon them for charter schools.

Charter schools are creating the competition to force other public schools

to be the excellent schools that we need. The Chicago model for reforming and saving our public school system is using charter schools to be innovative. I think this is a very strong idea to help restore and save public education in this country, where education now is critically important. In the next century, it is going to determine even more so winners from losers.

So, again, I want to commend the gentleman from California [Mr. RIGGS] for his hard work. I strongly encourage my colleagues on the Republican and the Democratic side to support this charter school bill.

Mr. RIGGS. Mr. Chairman, may I clarify how much time is remaining on both sides?

The CHAIRMAN. The gentleman from California [Mr. RIGGS] has 10 minutes remaining. The other gentleman from California [Mr. MARTINEZ] has 22½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I thank my colleague the gentleman from California [Mr. MARTINEZ] for yielding me the time.

Mr. Chairman, I rise to express some reservations that I have about this legislation. But first of all, I would like to thank my colleague, I would like to thank members of the committee, especially the gentleman from Indiana [Mr. ROEMER], the gentleman from Pennsylvania [Mr. GOODLING], chairman of the committee, the gentleman from California [Mr. RIGGS], chairman of the subcommittee, for the excellent work in bringing this bill before us today.

I agree with the sponsors of this bill that we must give States the flexibility to help foster the kind of innovation that charter schools provide while maintaining high levels of accountability. Parents, teachers, and administrators throughout the Nation have indicated again and again that they want the flexibility to try different approaches of educating their children, and we should support their efforts. Public charter schools expand the choices for parents, students, and typically they incorporate a great deal of input from our local communities.

There is a bipartisan agreement that charter schools have been effective in many cases, and the best way to continue this progress is to provide the additional start-up support for new charter schools.

The primary role of the Federal Government is to provide the support by sending money back to the States for the planning and the implementation of these new schools. However, that role is not to dictate to the States how they should run their charter school programs.

Mr. Chairman, I intend to offer an amendment to this legislation that would maintain existing language regarding State laws required to receive support from the Federal program. Charter schools, by design, are experiments in systemic reform. I am sure that the provisions in this bill were designed to increase the number of charter schools nationwide. We have heard that many times tonight. However, this legislation puts Congress in the role of deciding how State legislators should write their laws.

This bill does provide support for that innovation by extending the authorized amount for the program. But, at the same time, those States that already have enabling legislation, this bill says they must write new statutes or lose their funding. We should stick to providing funds that help establish new charter schools.

I urge my colleagues to support the amendment that I will introduce tomorrow and resist imposing new standards on these States.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California [Mr. MARTINEZ], the ranking member, for yielding me the time.

I also want to thank the gentleman from California [Mr. RIGGS], chairman of the subcommittee, who has done a good job in putting together a generally very good bill here. I think it is one area in education that we can finally say that people have tried to work together without rancor and bitterness to try to come together with an idea of how we might really buttress our public schools.

When we voted a little over an hour ago on vouchers, I think there was a clear division, a clear disagreement as to whether or not that was a step outside of support for public schools into an area that many of us did not want to go and do not think is going to strengthen our public school system.

I have said it here on the floor before, and I think it bears repeating, that we have a clear philosophy in this country that we are, in fact, in favor of public schools. We understand that those people that are fortunate enough to be able to send their children to private schools should have the ability to do so, and that has historically been the case.

But there are over 50 million children in this country that do not have that kind of benefit, do not have the family with that kind of income. Nor is there any likelihood that we are going to ever create 50 million vouchers to give everybody the chance. But we can provide better public schools for all 50-million-plus of those children. We are willing to step forward on the charter schools to experiment, to let local States and communities experiment within the public school system and find the direction that they are comfortable with.

I think that we have done that in the appropriations bill, where we talked about the comprehensive schools, we talked about people and communities coming together with the school to define a mission, to decide just how they are going to measure the progress under that mission, to bring the whole community in to work on that, whether it is colleges nearby, business communities, the parents of course, employees at the school, the administration, to develop this system and to move forward. And always, we want higher standards.

But in all of those scenarios, we also expect we are going to have to provide the resources to make the public schools successful. The chairman of the subcommittee and I had a discussion the other day. We talked about a certain charter school, where it had left the public school building, set up across town, and thought they were doing great because they gave each student a computer and each student a computer at home. That will always work if you do it, even if the public school had not moved.

We want to say that there are parts of this bill we need to improve, one being the priority section, so that Massachusetts and other States can benefit from legislation as well. And providing we do that, an amendment will be offered for that, we should be able to work forward to improve our public schools.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. Kind].

Mr. KIND. Mr. Chairman, I thank my friend the gentleman from California [Mr. MARTINEZ] on the Committee on Education and the Workforce for yielding me the time.

As a member of the Committee on Education and the Workforce, Mr. Chairman, I rise in strong support tonight for this legislation. I, too, would like to commend my colleagues and friends on the Committee on Education and the Workforce, the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS], for the hard work that they put in in drafting this legislation that is a good bipartisan piece of legislation, legislation that is really geared to helping the public school system in this country to improve themselves and give parents greater choice, teachers greater flexibility in how they are going to teach our children.

I urge my colleagues tonight to get behind and support this charter school legislation. I am a supporter of school choice, Mr. Chairman. I believe that the parents should be allowed to send their children, whether it is the public school or private schools of their choice. I oppose, however, the voucher plan that we earlier voted down in this Chamber. I think it is a drain on the public school resources, limited resources that are available.

My State of Wisconsin earlier this year struck down a private voucher plan in that State as an unconstitutional infringement upon the separation of church and State. The public schools are America's commitment and promise, really, to provide a quality

education to every child in this country. They are the great equalizers in our society.

Charter schools are merely public schools that are created by teachers, parents, and other members of the community as innovative means to educate students and to stimulate creativity in the public school system.

Wisconsin passed its charter school bill back in 1993. We have 15 currently in existence. There is a lot of demand for increasing that number in recent years. This legislation will provide the seed money to allow States such as Wisconsin, with the positive feedback and results that we are seeing in the charter school system, get that type of seed money in order to improve the public education system.

I believe it is time to provide the support to parents and teachers, school districts and communities throughout the country to think creatively with bold innovative ideas and the flexibility necessary to meet the challenges we face in preparing all our children to the challenges of America. I urge passage of this legislation.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. KIND] for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Chairman, I thank the gentleman from California [Mr. RIGGS] for yielding me the time.

Mr. Chairman, I rise in opposition to this legislation. I was in support of the scholarship programs that we just voted down. But this bill introduces the notion of a brand new Federal program. I have not seen the problem to be lack of Government intervention at the Federal level, nor lack of funds.

I believe very sincerely that our public school system faces too much regulation from the Federal level, we do not need a new program. In this bill we will have mandates from the Federal Government on the States. There is also recommendations in here that the curriculum be evaluated. To me, this introduces a notion that we are so much opposed to testing, because it is the eventual evaluation and setting of standards that I think is so dangerous to the public school system.

This bill has $100 million in it. I can see why some who believe in big government believe in expanding the role of government in education, would support this. I strongly oppose it.

Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 2616, a bill amending titles VI and X of the Elementary and Secondary Education Act of 1965 to expand the use of charter schools. Despite the understandable enthusiasm many members of Congress feel toward charter schools, Congress should reject this bill as it represents an unconstitutional federal infringement upon the authority of states, local communities, and individual citizens to control education. The tenth amendment reserves to the states and the people ''all powers not delegated to the United States by the Constitution,'' and thus forbids the federal government from any interference in education be it by mandating a national curriculum or providing incentives to states and localities to form charter schools. The drafters of the constitution made no exception for education in the tenth amendment.

H.R. 2616 encourages states to alter their education laws and policies for the purpose of increasing the number of charter schools to at least 3,000 by the year 2000. In order to achieve this congressionally set goal, the Secretary of Education is instructed to give prioritized funding to states which allow charter schools a ''high degree of autonomy'' over their respective budgets and expenditures; have at least one chartering authority which allows for an increase in the number of charter schools each year; and provides for periodic review and evaluation by the authorized public chartering agency of each charter school. Thus, the federal government will use monies seized from the American people to ''persuade'' the states to create more charter schools with federal specifications. Of course, if the federal government reduced its oppressive level of taxation, the American people would have more resources to devote to education and states would feel less compelled to obey Congressional mandates in order to finance education.

A federal policy of encouraging charter schools represents an exercise in legislative hubris incompatible with ending ''the era of big government.'' The charter school model may not be appropriate for every state in the nation. Whether or not a charter school is appropriate for a local community is a decision best made by the people in that respective community. Yet, this bill makes it national policy to encourage the formation of charter schools throughout the nation because Congress has determined charter schools are desirable. However, a centralized body such as Congress is institutionally incapable of knowing what reforms work best for every school district in this large and diverse nation. Therefore, rather than expanding federal programs, Congress should defund the federal education bureaucracy and return control over education to those best suited to design effective education programs—local communities and individual citizens.

Proponents of this bill claim that it expands the educational options available to the nation's children. However, increasing federal involvement in education actually decreases the ability of parents to control their child's education. As a greater percentage of the nation's educational resources are devoted to fulfilling the wishes of Congress, fewer resources will be devoted to fulfilling the wishes of America's parents. This is because some people who would otherwise operate a religious-based school, for example, will instead open charter schools in order to receive federal funds. Since charter schools cannot offer religious instruction, those parents who would send their children to that school if it provided a parochial education are denied the ability to educate their children in accordance with their preferences.

Mr. Chairman, further evidence of how this bill would actually limit educational options can be found in the language making ''evaluations'' of charter schools one of the stated purposes of the federal charter school program. National evaluation is a process whereby federal bureaucrats determine which are the best education practices, leading to a federally-approved set of ''best practices'' for charter schools. Over time, charter schools will face pressure, perhaps applied by future Congresses, to adopt those practices favored by the federal government. Language in this bill giving the Secretary of Education the power to make grants based on how well charter schools meet the academic performance requirements guarantees an increasing level of uniformity among the nation's charter schools. This may extend as far as federal control, or at least ''oversight,'' of the curriculum offered by charter schools!

Defenders of this bill may point out that the statute specifies the review and evaluation of charter schools to determine how well the charter school meets or exceeds state performance standards. However, it is unlikely that any state seeking federal funds would set standards different from those favored by the federal educrats. Furthermore, states applying for federal funds for charter schools must describe to the Secretary the goals of charter schools and the means by which charter schools will be evaluated by the state, as well as the curriculum and instructional practices to be used by the states charter schools, thus giving the Secretary another means by which to impose a uniform federal model of charter schools.

This bill further centralizes education by ratifying the increase of federal expenditures for charter schools to one-hundred million dollars contained in this year's budget and ''such sums as necessary for each of the four succeeding fiscal years.'' An authorization of ''such sums as necessary'' gives appropriators carte blanche to increase appropriations every year. Since federal education programs are funded by taking money from hardworking American taxpayers, increasing federal expenditures on charter schools, or any other education program favored by Congress, leaves America's parents with fewer resources to educate their children in the way they deem fit.

Mr. Chairman, if educational choice is to be the priority, Congress should support large educational tax credits for parents, such as those contained in the Family Education Freedom Act (H.R. 1816). Insofar as ''he who pays the piper calls the tune,'' expanding federal education programs and federal education expenditures will inevitably lead to increased federal control. Conversely, education tax credits will restore parental control over education. Moreover, the tax credit approach is much more consistent with this Congress' stated goal of decentralizing education authority.

In conclusion, this bill, while dressed up in the rhetoric of ''fostering educational innovation and increased parental empowerment,'' is really yet another unconstitutional infringement upon the rights of states, localities, and, especially, parents to control education.

Charter schools may be a valuable educational reform. However, it is neither the constitutional nor practical role of Congress to encourage states to adopt a particular reform. Therefore, Mr. Chairman, I urge my colleagues to reject this proposal and instead, work to eliminate all federal educational programs which interfere with education and, instead, return authority over education to the rightful owner—the American people.

The CHAIRMAN. The Chair would advise that the gentleman from California [Mr. RIGGS] has 9 minutes remaining and the gentleman from California [Mr. MARTINEZ] has 16¼ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, when this debate started, the gentleman from Delaware [Mr. CASTLE] was the first speaker, and the words that came out of his mouth were words that I could have spoken myself and, in a sense, I will speak myself at this moment. That is that I am, I believe, as strong a supporter of charter schools as anyone in this Chamber. And at the same time, I also voted against the ill-advised voucher proposal that we just defeated.

I commend my Republican colleagues, who, without their support, we would not have been able to defeat that proposal. One of the concepts of why I support charter schools is that it really does work. It creates competition within the public school system. I see it work on a very practical basis in the State of Florida in my own district, the 20th District in Broward County, FL.

I serve on the board of a charter school. I do not know how many other Members in this Chamber have that distinction in their sort of noncongressional lives. But it is a very proud part of my public service that I was part of a creation of a charter school, and it is a school that is working and that is benefitting about 40 children in my district. It is doing some good things. And within the public school system, it is creating competition. And competition works.

But I think if we look at the specifics of this legislation, it goes too far. It expands charter schools more than I think is appropriate, not just in Florida, not just in Broward County, but throughout the entire country. There are a number of specifics that have been pointed out that I think are important in terms of some of the problems that this legislation creates. One is changing from 3 to 5 years the grant proposal. If we want charter schools not to have that fiery entrepreneurship and independence that has worked, that has been practical, that is the way to do it.

Again, I think it is worth mentioning, in Florida and in south Florida, charter schools have been bipartisan. I am on the board of a charter school. The gentleman from Florida [Mr. HASTINGS] is. And former President Bush's son, Jeb Bush, actually started the first charter school in the State of Florida.

In closing, I would remind my Republican colleagues that one size really does not fit all, that the Federal Government sometimes does not do best. I urge the defeat of this proposal as presently drafted.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of H.R. 2616, although not a perfect bill, the Charter School Amendment Act of 1997, the bill that we will have the opportunity to vote on very soon.

This innovative school choice program strengthens our public school system. At least that is the design of it. Charter schools are public schools established under State laws that are created by teachers, parents, and other members of the community to stimulate reform within the public school system.

Contrary to popular belief, charter schools do not exclusively serve suburban school districts. In fact, some of the most successful charter schools are in urban areas. Additionally, some of the schools only serve students with disabilities or also low-income students.

H.R. 2616 amends the current law. It extends it from 3 to 5 years, although there is question about that. The extension provides opportunity to actually see that these programs are implemented.

□ 2200

There are some 28 States, the District of Columbia and Puerto Rico that enjoy the great opportunity to implement charter schools. My State happens to be one. In fact, my State now has chartered more charter schools than most of the States.

In my district, charter schools are working. Not all of them are successful, but many of them are. Therefore, I would encourage other Members to give this legislation a chance, to support these schools, and to find innovation within the opportunity of public schools.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Chairman, I would like to speak in support of the charter schools legislation and cite two important facts about what is happening in my home, the State of Florida. The first is that there are a significant number of at-risk children, children with learning disabilities whose parents have advocated for the creation of these schools.

The second point which I find particularly interesting is a lot of these schools are finding a way to succeed with a minimum amount of administration. In Florida that means not having assistant principals, not having guidance counselors, just the principal and the teachers. As a result of those savings from reduced administration, we have an average class size of about 17 students per teacher in many of these charter schools.

Why is that so terribly important? Let me share with Members a story. There was a team of sociologists a few years ago sent into a major inner-city school system to study what had happened to the kids who had been through that school system. After a lot of study, they found a group of kids who had succeeded wildly. These kids had gone on to college while many of their peers had never finished high school, were succeeding professionally, and had healthy emotional lives. They traced it all back to one teacher.

They found this teacher. She had retired from the school system. They went to her, they said, ''Ma'am, what did you do to these students? Why did they succeed?'' She said, ''Mister, I knew each of the kids in my class. I had a small class. I knew each of them had something good in them. I helped them find that. I knew what it was. I loved those kids. I helped those kids succeed.''

That is simply one powerful example of what happens when we have smaller class sizes, when our teachers can give students the attention they need, gifted students, average students, kids at risk. This is simply one of the first important lessons that charter schools are going to teach us, important lessons that we can replicate for the entire public school system to help all our kids in public schools succeed because of the innovation that we are going to be encouraging in charter schools.

Charter schools is a long overdue reform this Congress needs to encourage. We need to encourage reform. We need to encourage innovation. We need to let the local school districts run with the ball. We need to encourage parents to be activists. This bill helps do that.

Mr. MARTINEZ. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I do not rise to speak for or against charter schools. As a matter of fact, I tend to think that I could be supportive of charter schools. However, for many years now, I have been involved in trying to stop the rip-off of our Pell grants and Stafford loans by private postsecondary schools. I have worked with some people on the opposite side of the aisle.

Well, lo and behold I have discovered in the Los Angeles area some wise crook has found a way to rip off this charter school. Let me tell Members what they have done. An organization that is organized as a nonprofit charter school has a relationship with the Victorville School District out in the desert near San Bernardino. They have come into the inner cities from Victorville, this Cato Institute, which has the relationship with Victorville, and it has gone to the already private schools in Los Angeles where my grandson is enrolled in one of these private schools, and have worked out an arrangement with the owners of the school to allow these children to be signed up to the Victorville School District by way of the Cato Institute. Of course, the dollars that are derived from the Victorville School District

are being shared through the Cato Institute with the private schools. My grandson and the other children remain in the private schools, their parents are paying tuition fee for them every month, so now what we have is we have government funds going through the charter school to help support private students.

We cannot have that. I do not know how this has happened. She has checked with the State of California. They said nothing that they know of envisioned this kind of thing happening, but it is what I worry about, when we allow the proliferation of any kind of school, whether it is charter schools or what have you, I worry about the crooks being able to come in and take advantage.

In this case, there is no reason why the government should be paying for my grandson whose mother is paying for him in private school. But this institute is getting the money from the Victorville School District, and sharing it per pupil with this private school, and promising that they will support them with resource materials, a sophisticated library access and maybe even computers. This is wrong, it is not right, and this is not what I think you intended for the charter schools.

I have talked with the gentleman from California [Mr. RIGGS] about it. I want to fix it.

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

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

Mr. RIGGS. I appreciate the gentlewoman yielding to me.

She is correct. She was kind enough to approach me with her concerns. We have promised on this side to look into them, but I forgot to ask the gentlewoman, I guess, a pretty basic question; that is, does she know if this particular charter school in Victorville, California receives any Federal taxpayer funding?

Ms. WATERS. I do not know.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, it is purely coincidental that I stand here following the statement of the gentlewoman from California [Ms. WATERS], because the gentlewoman and I have worked together on the questions of scam technical schools and the default levels.

I can pledge absolutely to the gentlewoman from California that we will work together on this, but I do not think that that issue alone should defeat this question of charter schools, because I think the gentleman from California [Mr. RIGGS] has asked the correct question. We do not know whether that is under California law solely or whether it has to do with the Federal connection.

In any case, I believe as I read this legislation and whatever mutually acceptable amendments or language the gentlewoman and I could put in here to clarify it would deal with that question. But I think this accountability requirement, as I see this as one of the strongest parts of this legislation, is that it has quite explicit accountability standards both from the Federal level to the State level and down to the local autonomous group. I think it is a wonderful, creative, innovative way to bring parents, highly-trained professionals and the local communities to bettering children's education while at the same time maintaining accountability for standards.

But there is a question about how these charters are being handled in the State of California, or New Jersey, for that matter. To my knowledge, we have not had that problem in New Jersey, and we have been rather innovative ourselves.

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my intent is not to defeat the legislation. My intent is to surface this problem that I have run into in California. Even if they are not receiving Federal assistance, I do not know if they are or not, you can perhaps not have this loophole in your legislation that would allow this kind of pass-through.

Mrs. ROUKEMA. That is very important, and I commit to that. It is just coincidental that my prepared remarks were going to focus on the accountability question with respect to educational standards. But certainly we have to be accountable as to how these charters are delivered or are presented.

Mr. Chairman, I rise in support of the Charter Schools Amendments Act of 1997. This legislation is a significant creative innovation to encourage States to look for new and creative ways to improve our country's schools.

Charter schools are an intelligent way to give local authority maximum innovative techniques using the strengths of parental involvement with the highest degree of professionalism and accountability.

This legislation will give priority of charter school funds to States that allow charter schools a high degree of autonomy over their budget and expenditures, allow for an increase in the number of charter schools from one year to the next, and include a periodic review.

I am pleased that this legislation has placed a strong emphasis on accountability. The legislation gives priority to States that include a law that provides for periodic review by the authorized public chartering agency. This review is to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools as set under the State law and the school's charter.

We need this accountability in our school systems to hold someone responsible for improving the education that our nation's youth receive. To renew its charter, the school must be meeting its goals!

Charter schools are a good step for the future. They are schools with regulatory flexibility, where they are released from a variety of regulation so the schools can have flexibility in their development, and can experiment with new ideas. Charter schools are able to test a variety of educational approaches as they commit to attaining specific educational results and standards.

Charter schools have used this opening to excel in academic performance, parental satisfaction and involvement and teacher satisfaction. This past year, New Jersey granted 17 schools charters, including one in my district in Sussex County, New Jersey for 7th and 8th graders, which, as it continues to grow, will use the creativity and energy of the community with an emphasis on integrating available technologies, to find a way to meet the demands and challenges of today's society.

I would also like to note that this legislation reaffirms current law by specifically requiring that charter schools comply with Part B of the Individuals with Disabilities Education Act. The legislation also includes assurances that charter schools may not discriminate against children with disabilities.

This education legislation emphasizes accountability and originality. It is good legislation, and it encourages programs that will create innovation in our school system. Now is the time for such action.

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA], the chairman of the Subcommittee on Oversight and Investigations who has spearheaded our Education at the Crossroads project around the country.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Let us take a look at what H.R. 2616 does. What the bill does is it increases funding for charter schools, reduces the amount of money that stays in Washington, directs the Secretary and the States to ensure that charter schools receive their fair share of other Federal funding dollars.

As we have gone around the country, one of the things that we have experienced when we have taken a look at charter schools is that charter schools seem in too many cases not to be getting their fair share of Federal dollars, so we are addressing that issue, and it also then amends title VI so that in this program, money that is used for professional development, computers and technology, curriculum development and magnet schools, that there is now one more use that is allowed. If a local school district or a State wants to use the money, they can use it for charter schools.

Why is this so important? As we have gone around the country, we have visited around 13 States, 15 different field hearings. Charter schools is an experiment that many of the States are working on to improve education for our children. In every State it is slightly different. What this says is we want to encourage this development at the State level. We want to support this innovation.

We have seen charter schools in California, we have seen them in Arizona,

we saw them in Delaware, we have seen them in Michigan, we have seen different types and experimentation of similar types of programs in Wisconsin and Ohio. There is a lot of innovation going on, and this really is a fundamental role where the Federal Government maybe does have a legitimate place in being involved in saying, this is a research effort, we need to fund this research effort, we need to learn from this process, and we then need to share this learning and understanding with the other States and become kind of a clearinghouse so that other people can see and learn from what we are finding around the country.

As I have said, we have gone around the country. We have seen so many exciting things in education. We have seen in some of the toughest school districts in some of the toughest parts of the country, we have seen real improvement, because States have empowered people at the local level to do what they feel needs to be done at the local level.

Charter schools along with some of these other experiments is something that the Federal Government should be supporting, something that we should be encouraging, and something that we should be learning from and then disseminating the information around the country so that other local school districts and States can learn from it and put together the most effective education package for that local community and for that State.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California [Mr. MARTINEZ] for yielding me this time. I would just like to say in regard to the people watching C-SPAN at this time of night that there is no more important issue that we could be working on in this Congress as education. Education firmly on the part of the American people is the single most important issue.

Why are charter schools the most important issue that we are working on at 10:15 tonight? Because people want public school choice. They want every single school in America improved so they are proud to send their child to that school, and that child gets a solid education for the workplace or to go to college in their life later on down the road. That there is accountability in charter schools.

There are great performing schools in America today, and there are some schools that are not doing as good as they should be. In charter schools, we are giving the schools the ability to shut down poorly performing schools.

□ 2215

Third, they are about innovation, they are about bold ideas, they are about new curriculum, longer school days and longer school years. There are options, charter school right here in Washington, DC, that are serving 100 percent of their students that are eligible for free and reduced lunches, it is 100 percent minority, and they are graduating their students at a 20 percent higher rate than the DC public school system.

This has been a lot of hard work in putting this bill together, and I would just like to conclude by again thanking the gentleman from California [Mr. RIGGS] for the bipartisan support, thanking my staff member, Gina Mahoney, who has put in countless hours and has shown just real commitment to the legislation and an understanding of the legislation. She has sought out experts from across America to work and gain common sense on this legislation from California to New York.

Mr. Chairman, I encourage my colleagues to support this good bipartisan education bill for the United States of America.

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

Let me indicate to my colleague from California that I believe I have the right to close debate and intend to close debate.

Mr. Chairman, I yield 30 seconds to the gentleman from Delaware [Mr. CASTLE] my good friend, the vice chairman of the subcommittee.

Mr. CASTLE. Mr. Chairman, let me just first say that support for charter schools which truly are innovative and truly can change education in America is extremely rewarding and well placed, and I would also like to say that I agree with the gentleman from Indiana [Mr. ROEMER] with respect to bipartisanship on education matters and for children in general. When is the last time we saw a 6-year-old who thought he was a Republican or a Democrat? We need to help those kids in every way we can.

Finally, I would like to thank the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS] for their exceptional work on this, and Mr. RIGGS in particular for the extraordinary work that he has done on this committee to try to advance the causes of education.

We need more of this in the Congress of the United States. I think this has been an exemplary piece of legislation, the way it has been managed and handled, and for that reason I hope we can all support it and pass it when the time comes.

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

Mr. Chairman, just briefly before I yield back the balance of my time, I will say that several of the speakers have spoken about some of the concerns they have about the bill, and there will be amendments offered, it is an open rule, and I am glad for that. We will get a chance to debate some of those amendments. Hopefully, some of those amendments will be accepted so that we can really get truly a bipartisan, more than just a few on this side, but as many people as possible, because the basic concept is very good, and I would hope that it would be amended to a point where I could support it.

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

Mr. RIGGS. Mr. Chairman, I yield myself my remaining time simply to point out that I think that the gentleman from Indiana [Mr. ROEMER] mentioned a charter school here in the District of Columbia. As we mentioned before, they are really sprouting up everywhere around the country. If my colleagues have not had an opportunity to go visit a charter school, ideally, obviously, one in the district, but, if not, another one nearby or in an adjacent community, I strongly encourage my colleagues to do so because they are hotbeds of learning. It is incredible. One cannot be in a charter school for more than a few minutes without sensing the excitement about learning; it is contagious.

I also noticed that a couple weeks ago, I believe it was USA Today, or not USA Today, Parade magazine, as part of the Sunday supplement, as my colleagues know, in the Sunday newspaper, they have a reporter who has a fifth-grade, has a teaching credential and has experience as a fifth-grade classroom teacher, and they sent her on an unusual assignment. She went on an assignment around the country working as a substitute in local school districts in five or six different communities across the country and then wrote about her experiences in Parade magazine, and she cited a charter school in Boston by the name of The Renaissance School as the best individual school that she had visited in the course of this assignment.

Why did she say that? Because she said at this school parents, teachers, and students are truly excited about learning. She talked about the fact that they have longer school hours there than traditional public schools. The children, through the charter school, each receive a computer, and the charter school goes beyond that and helps every family acquire and install a computer in the household at this particular school. And she cited it again in terms of the curriculum, the structure, the discipline, as the single best fifth-grade classroom and the single best classroom that she had visited around the entire country, and I will later, when I get a copy of the actual article, introduce that for the RECORD. But to me, that pretty much says it all about charter schools.

So, colleagues, here is an opportunity to do something on a positive bipartisan basis to expand choice for parents, to increase Federal taxpayer funding for public school choice by helping in the startup and creation of more charter schools around the country.

This legislation is truly commendable, it deserves support, and therefore I urge my colleagues that once we complete the amendment process, whenever that might be, later tonight or

later this week, to support the bipartisan Riggs-Roemer Community Design Charter Schools Amendments Act of 1997.

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

Mr. PACKARD. Mr. Speaker, parents across the nation want greater control of their children's education and greater accountability from their children's schools. Parents must be able to send their children to safe, quality schools that reinforce the lessons of responsibility and respect that they try so hard to teach at home.

Charter schools are innovative public schools that, once freed from burdensome regulations, have made great strides in improving and reforming public education. Today, we consider H.R. 2616, the Charter Schools Amendments Act. This measure will direct much-needed new money to states that provide character schools with a high degree of fiscal autonomy, allow increases in the number of charter schools from year to year and ensure academic accountability. In addition, this bill ensures that 95 percent of federal charter schools' money goes to the state and local levels.

Mr. Speaker, some will argue that charter schools would skim the best students from public schools. However, when you consider that 55 percent of U.S. charter school students in 1995–1996 were poor, 63 percent were minority-group members, 19 percent had limited English proficiency, and almost one in five had disabilities, I'd say their arguments have very little merit.

According to the Department of Education, the most significant problem faced by charter schools in 1997 was a lack of start-up funds. H.R. 2616 increases charter schools funding from $51 million in FY97 to $100 million in FY98 and expands the list of activities the newly authorized money can be used for to include start-up funds.

Mr. Speaker, I am committed to ensuring that every child has the same opportunities to thrive and succeed. The Charter Schools Amendments Act will give more children a chance at future success and a shot at the American Dream. It's the least they deserve and I will work to provide our children with a top-quality education. I encourage all of my colleagues to support H.R. 2616, the Charter Schools Amendments Act.

Ms. DELAURO. Mr. Speaker, I rise today in support of the Charter Schools Amendments, and I urge my colleagues to vote in favor of this bill.

This bill represents the strategy we should be taking—investing in our public school system to strengthen the schools that 90 percent of American children attend. Charter schools are an innovative means to change our public schools for the better, without siphoning off funds to private or parochial schools.

The two charter schools in my home town of New Haven—Common Ground High School and the Village Academy—have proven to be highly effective in improving student performance. They give parents a real opportunity for school choice. The schools are held to high standards and in fact are reviewed periodically to ensure that students are meeting their goals. This type of accountability is exactly what we need to improve our students' performance.

Unfortunately, Republicans don't always follow the policy of investing in public schools. Time and time again they have voted to take money out of our public schools and put it into private and parochial schools. I am particularly disappointed that this bill will be combined with the Gingrich voucher experiment—virtually guaranteeing a veto by a President who has promised to protect America's public schools.

Vouchers are not the way to strengthen our public school system. Innovative programs like charter schools will allow us to continue our investment in America's public schools without deserting our children.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2616

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charter Schools Amendments Act of 1997''.

SEC 2. INNOVATIVE CHARTER SCHOOLS.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) in section 6201(a)—

(A) in paragraph (1)(C), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

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

''(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and''; and

(2) in section 6301(b)—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

''(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and''.

SEC. 3. CHARTER SCHOOLS.

Part C of title X of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

''PART C—PUBLIC CHARTER SCHOOLS

''SEC. 10301. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that—

''(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

''(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

''(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

''(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

''(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which can have a significant effect on student achievement;

''(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

''(7) there is a strong documented need for cash-flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

''(b) PURPOSES.—The purposes of this part are—

''(1) to provide financial assistance for the planning, design, initial implementation of charter schools;

''(2) to facilitate the ability of States and localities to increase the number of charter schools in the Nation to not less than 3,000 by the year 2000; and

''(3) to evaluate the effects of charter schools, including the effects on students, student achievement, staff, and parents.

''SEC. 10302. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 10303 to enable such agencies to conduct a charter school grant program in accordance with this part.

''(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 10303, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 10303.

''(c) PROGRAM PERIODS.—

''(1) GRANTS TO STATES.—

''(A) BASIC GRANTS.—Grants awarded to State educational agencies under this part for planning, design, or initial implementation of charter schools, shall be awarded for a period of not more than 5 years.

''(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section.

''(2) GRANTS TO ELIGIBLE APPLICANTS.—

''(A) BASIC GRANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for planning, design, or initial implementation of charter schools, for a period not to exceed more than 5 years, of which the eligible applicant may use—

''(i) not more than 30 months for planning and program design; and

''(ii) not more than 4 years for the initial implementation of a charter school.

''(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section.

''(d) LIMITATION.—Except as otherwise provided under subsection (c), the Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.

''(e) PRIORITY AND REQUIREMENTS.—

''(1) PRIORITY.—

''(A) FISCAL YEARS 1998, 1999, AND 2000.—In awarding grants under this part for any of the fiscal years 1998, 1999, and 2000 from funds appropriated under section 10310 that are in excess of $51,000,000 for the fiscal year, the Secretary shall give priority to State educational agencies in accordance with subparagraph (C).

''(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2001 or any succeeding fiscal year from any funds appropriated under section 10310, the Secretary shall consider the number of charter schools in each State and shall give priority to State educational agencies in accordance with subparagraph (C).

''(C) PRIORITY ORDER.—In awarding grants under subparagraphs (A) and (B), the Secretary shall, in the order listed, give priority to a State that—

''(i) meets all requirements of paragraph (2);

''(ii) meets 2 requirements of paragraph (2); and

''(iii) meets 1 requirement of paragraph (2).

''(2) REQUIREMENTS.—The requirements referred to in paragraph (1)(C) are as follows:

''(A) The State law regarding charter schools ensures that each charter school has a high degree of autonomy over its budgets and expenditures.

''(B) The State law regarding charter schools provides that not less than 1 chartering authority in the State allows for an increase in the number of charter schools from 1 year to the next year; and

''(C) The State law regarding charter schools provides for periodic review and evaluation by the authorized public chartering agency of each charter school to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

''SEC. 10303. APPLICATIONS.

''(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

''(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

''(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

''(2) describe how the State educational agency will inform each charter school of available Federal programs and funds that each such school is eligible to receive and ensure that each such school receives its appropriate share of Federal education funds allocated by formula; and

''(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

''(A) a description of the educational program to be implemented by the proposed charter school, including—

''(i) how the program will enable all students to meet challenging State student performance standards;

''(ii) the grade levels or ages of children to be served; and

''(iii) the curriculum and instructional practices to be used;

''(B) a description of how the charter school will be managed;

''(C) a description of—

''(i) the objectives of the charter school; and

''(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

''(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

''(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

''(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

''(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

''(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

''(I) a description of how students in the community will be—

''(i) informed about the charter school; and

''(ii) given an equal opportunity to attend the charter school;

''(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

''(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part;

''(L) such other information and assurances as the Secretary and the State educational agency may require; and

''(4) describe how the State educational agency will disseminate best or promising practices of charter schools in such State to each local educational agency in the State.

''(c) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 10302 shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

''(d) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

''(1) the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (L) of such subsection shall be applied by striking 'and the State educational agency' each place such term appears; and

''(2) assurances that the State educational agency—

''(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

''(B) will assist each subgrantee in the State in receiving a waiver under section 10304(e).

''SEC. 10304. ADMINISTRATION.

''(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 10303(b), after taking into consideration such factors as—

''(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

''(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

''(3) the ambitiousness of the objectives for the State charter school grant program;

''(4) the quality of the strategy for assessing achievement of those objectives;

''(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students; and

''(6) the number of charter schools created under this part in the State.

''(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 10303(c), after taking into consideration such factors as—

(1) the quality of the proposed curriculum and instructional practices;

''(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

''(3) the extent of community support for the application;

''(4) the ambitiousness of the objectives for the charter school;

''(5) the quality of the strategy for assessing achievement of those objectives; and

''(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

''(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

''(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

''(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

''(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

''(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 10309(1), if—

''(1) the waiver is requested in an approved application under this part; and

''(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

''(f) USE OF FUNDS.—

''(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

''(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

''(3) ALLOWABLE ACTIVITIES FOR BASIC GRANTS.—An eligible applicant receiving a basic grant or subgrant under section 10302(c)(2) may use the grant or subgrant funds only for—

''(A) post-award planning and design of the educational program, which may include—

''(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

''(ii) professional development of teachers and other staff who will work in the charter school; and

''(B) initial implementation of the charter school, which may include—

''(i) informing the community about the school;

''(ii) acquiring necessary equipment and educational materials and supplies;

''(iii) acquiring or developing curriculum materials; and

''(iv) other initial operational costs that cannot be met from State or local sources.

''(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

''SEC. 10305. NATIONAL ACTIVITIES.

''The Secretary shall reserve for each fiscal year the lesser of 5 percent of the amount appropriated to carry out this part for the fiscal year or $5,000,000, to carry out, giving highest priority to carrying paragraph (2), the following:

''(1) To provide charter schools, either directly or through the State educational agency, with information regarding available education funds that such school is eligible to receive, and assistance in applying for Federal education funds which are allocated by formula, including filing deadlines and submission of applications; and

''(2) To provide, through 1 or more contracts using a competitive bidding process—

''(A) charter schools with assistance in accessing private capital;

''(B) pilot projects in a variety of States to better understand and improve access to private capital by charter schools; and

''(C) collection on a nationwide basis, of information regarding successful programs that access private capital for charter schools and disseminate any such relevant information and model descriptions to all charter schools.

''(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related evaluations or studies.

''(4)(A) To provide information to applicants for assistance under this part;

''(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

''(C) assistance in the planning and startup of charter schools;

''(D) ongoing training and technical assistance to existing charter schools; and

''(E) for the dissemination of best practices in charter schools to other public schools.

''SEC. 10306. PART A, TITLE I ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

''For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, or of any other Federal educational assistance funds, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible in the calendar year in which it first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible during the calendar year of such expansion.

''SEC. 10307. RECORDS TRANSFER.

''State and local educational agencies, to the extent practicable, shall ensure that a student's records and if applicable a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to the charter school upon transfer of a student to a charter school in accordance with applicable State law.

''SEC. 10308. PAPERWORK REDUCTION.

''To the extent practicable, the Secretary and each authorized public chartering agency, shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

''SEC. 10309. DEFINITIONS.

''As used in this part:

''(1) The term 'charter school' means a public school that—

''(A) in accordance with a specific State charter school statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

''(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

''(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

''(D) provides a program of elementary or secondary education, or both;

''(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

''(F) does not charge tuition;

''(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

''(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

''(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

''(J) meets all applicable Federal, State, and local health and safety requirements;

''(K) operates in accordance with State law; and

''(L) has a written performance contract with the authorized public chartering agency in the State.

''(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

''(3) The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

''(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

''SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 1998 and such sums as may be necessary for each of the four succeeding fiscal years.''.

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 105–357 if offered by the gentleman from Pennsylvania [Mr. GOODLING] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule which the Chair just recited, I offer an amendment printed in the report.

The CHAIRMAN. Is this the Goodling amendment?

Mr. RIGGS. Yes, Mr. Chairman.

The CHAIRMAN. Is the gentleman from California the designee of the gentleman from Pennsylvania [Mr. GOODLING]?

Mr. RIGGS. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS:

Page 12, strike lines 15 through 18, and insert the following:

''(4) describe how the State educational agency will use administrative funds provided under section 10304(f)(4) to disseminate best or promising practices of charter schools in such State to each local educational agency in the State, except that such dissemination shall result, to the extent practicable, in a minimum of paperwork for a State educational agency, eligible applicant, or charter school.''.

Page 18, line 7, insert ''out'' after ''carrying''.

Beginning on page 19, strike line 17 and all that follows through page 20, line 9, and insert the following:

''SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

''For purposes of the allocation to schools by the States or their agencies of funds under Part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible not later than 5 months after first opening, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible not later than 5 months of such expansion.''.

The CHAIRMAN. Pursuant to House Resolution 288, the gentleman from California [Mr. RIGGS] and a Member opposed each will control 5 minutes.

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

MODIFICATION TO AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, before proceeding, I ask unanimous consent to modify the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. RIGGS:

Page 5, line 23, strike ''eligible applicant'' and insert ''State educational agency''.

Page 12, strike lines 15 through 18, and insert the following:

''(4) describe how the State educational agency will use administrative funds provided under section 10304(f)(4) to disseminate best or promising practices of charter schools in such State to each local educational agency in the State, except that such dissemination shall result, to the extent practicable, in a minimum of paperwork for a State educational agency, eligible applicant, or charter school.''.

Page 18, line 7, insert ''out'' after ''carrying''.

Beginning on page 19, strike line 17 and all that follows through page 20, line 9, and insert the following:

''SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

''For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible not later than 5 months after first opening, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible not later than 5 months after such expansion.''.

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

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

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. RIGGS] that the amendment be modified?

Mr. MARTINEZ. Reserving the right to object, Mr. Chairman, could the gentleman from California explain the modification?

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

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I believe the modification is very technical in nature, but if the gentleman wants a more detailed explanation, we will have to, I guess, hear the Clerk explain it.

Mr. MARTINEZ. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. RIGGS].

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

Mr. Chairman, before I proceed with my 5 minutes, let me see if I can just alert the gentleman from Tennessee [Mr. FORD] that if he happens to be present, I would yield to him, and while we are perhaps looking for him, let me just explain very quickly to my good friend that my manager's package of amendments contains one technical amendment, two clarifying amendments.

The first clarifying amendment refines the language of an amendment that was accepted at the full committee markup. The amendment accepted in committee requires State education agencies to disseminate best or most promising practices of charter schools to local education agencies in that State, and the amendment also stipulates that the SEA, the State Education Agencies, can only use Federal charter school money to disseminate best or most promising practices from the 5 percent that they are permitted to retain for administrative purposes.

Further, my amendment requires that the dissemination of best or, again, most promising practices shall result in a minimum of paperwork for SEA and charter schools. The last thing we are trying to do is cause them more red tape or paperwork, and the amendment clarifies the language in the reported bill that directs the Secretary to take measures to ensure that charter schools receive the Federal funds for which they are eligible in their first year of operation.

In response to concerns expressed by some committee members, the amendment changes the time by which a charter school should receive their Federal money from, I quote now, within the calendar year to, again, quote, within 5 months in which the school first opens.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, given the rather fractious debate we have had this evening with regard to how we educate our kids in this Nation, I think we would all do well to return to a basic principle, a principle best articulated by Thomas Jefferson when he wrote that every child must be encouraged to get as much education as she has the ability to take. We want this not only for her sake, but for the Nation's sake.

Mr. Chairman, Jefferson did not use the words, ''a few,'' or ''several,'' or even ''many.'' He used the word ''every,'' every child, Mr. Chairman.

Charter schools, and I must applaud the leadership of the gentleman from Indiana [Mr. ROEMER] and his hard work in certainly reaching across the aisle to attract bipartisan support. Charter schools provide these opportunities. They are public schools, Mr. Chairman, schools accountable to public authorities but with the kind of local level autonomy that spurs innovation and excellence. Charter schools are part of a common sense solution to some of the problems facing and confronting parents and teachers and communities in America. They are not a panacea for all that ails our school system, for they will not solve our $112 billion infrastructure problem, the technology gap, or the resolve, the standards issue, but they do represent a very important step toward improvement.

At the same time, Mr. Chairman, we cannot allow our zeal for change to overtake our common sense. Charter schools and vouchers ought not to be part of the same conversation. Public choice encouraged by charters is one thing; vouchers, Mr. Chairman, are entirely another.

I recognize that some of my colleagues, particularly those on the other side of the aisle, however well intentioned, have been operating under the misapprehension that competition from small-scale vouchers will actually force public schools to improve. But unless every one of our Nation's nearly 50 million public school students is given a voucher, it hardly seems likely that public schools will be forced to improve.

In addition, Mr. Chairman, it seems a much more practical way, charter schools, to improve education for the majority of our Nation's students. That is exactly what charter schools do, which is why I support H.R. 2616 but did not support H.R. 2746, and I am proud to say neither did this House.

Again, let Mr. Jefferson's words be our guide. Let us oppose measures that do not educate the majority of our kids, taking out a few. Let us support the gentleman from Indiana [Mr. ROEMER] and the gentleman from California's [Mr. RIGGS] charter schools amendment.

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

Mr. Chairman, I understand that the amendment is simply technical in nature, and as a result, we have no objections on this side.

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

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. RIGGS].

The amendment, as modified, was agreed to.

□ 2230

Mr. RIGGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HANSEN] having assumed the chair, Mr.

SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2616), to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 5 of rule 1, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, except that without objection, the yeas and nays will be taken on H.R. 1839 after proceeding de novo on H.R. 1604.

Votes will be taken in the following order: H.R. 2265, de novo;

House Joint Resolution 91 de novo;

House Joint Resolution 92, de novo;

H.R. 1702 de novo;

H.R. 1836 de novo;

H.R. 2675 de novo;

H.R. 404 de novo;

H.R. 434 de novo;

Senate 588 de novo;

Senate 589 de novo;

Senate 591 de novo;

Senate 587 de novo;

H.R. 1856 de novo;

H.R. 1604 de novo;

H.R. 1839, yeas and nays; and

H.R. 948, yeas and nays.

There was no objection.

The SPEAKER pro tempore. The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NO ELECTRONIC THEFT (NET) ACT

The SPEAKER pro tempore (Mr. HANSEN). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2265, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE], that the House suspend the rules and pass the bill, H.R. 2265, as amended.

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

A motion to reconsider was laid on the table.

APALACHICOLA-CHATAHOOCHEE-FLINT RIVER BASIN COMPACT

The SPEAKER pro tempore. The pending business is on the question de novo of suspending the rules and passing the joint resolution, H.J. Res. 91, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS], that the House suspend the rules and pass the joint resolution, H.J.Res. 91, as amended.

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

A motion to reconsider was laid on the table.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the joint resolution, H.J. Res 92, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 92, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, H.J. Res. 92, as amended, was passed.

A motion to reconsider was laid on the table.

COMMERCIAL SPACE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1702, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and pass the bill, H.R. 1702, as amended.

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

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1977

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1836, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 1836, as amended.

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

A motion to reconsider was laid on the table.

FEDERAL EMPLOYMENT LIFE INSURANCE IMPROVEMENT ACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2675, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 2675, as amended.

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

A motion to reconsider was laid on the table.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 404, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 404, as amended.

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

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

''A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property needed for use for a law enforcement or fire and rescue purpose.''

A motion to reconsider was laid on the table.

CARSON AND SANTA FE NATIONAL FORESTS LAND CONVEYANCES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 434, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 434, as amended.

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

A motion to reconsider was laid on the table.

EAGLES NEST WILDERNESS EXPANSION

The SPEAKER pro tempore. The pending business is the question de

novo of suspending the rules and passing the Senate bill, S. 588.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 588.

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

A motion to reconsider was laid on the table.

RAGGEDS WILDERNESS BOUNDARY ADJUSTMENT AND LAND CONVEYANCE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 589.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 589.

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

A motion to reconsider was laid on the table.

DILLON RANGER DISTRICT TRANSFER

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 591.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 591.

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

A motion to reconsider was laid on the table.

HINSDALE COUNTY, COLORADO LAND EXCHANGE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 587.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN], that the House suspend the rules and pass the Senate bill, S. 587.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 572]

YEAS—406

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—26

Ackerman
Coburn
Cox
Cubin
Fawell
Flake
Foglietta
Gephardt
Gonzalez
Hinojosa
King (NY)
Lewis (CA)
McIntosh
McKeon
McNulty
Menendez
Payne
Pelosi
Riley
Schiff
Scott
Shuster
Waxman
Weller
Yates
Young (AK)

□ 2259

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1856, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 1856, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF OTTAWA AND CHIPPEWA INDIANS

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1604, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1604, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1839, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 1839, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 336, nays 72, not voting 24, as follows:

[Roll No. 573]

YEAS—336

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntyre
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NAYS—72

Abercrombie
Andrews
Becerra
Berman
Blagojevich
Borski
Boswell
Boucher
Cardin
Carson
Conyers
Cummings
Davis (IL)
DeGette
DeLauro
Dellums
Dicks
Dingell
Evans
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gutierrez
Hinchey
Jackson (IL)
Kaptur
Kennedy (MA)
Kennelly
Kilpatrick
Klink
Kucinich
LaFalce
Lewis (GA)
Maloney (CT)
Maloney (NY)
Manton
Markey
McCarthy (MO)
McDermott
McHale
McKinney
Meehan
Miller (CA)
Mink
Nadler
Neal
Olver
Ortiz
Owens
Pallone
Paul
Pelosi
Rothman
Roybal-Allard
Sanders
Sanford
Sawyer
Scarborough
Schumer
Serrano
Skaggs
Slaughter
Stark
Tierney
Velazquez
Waters
Watt (NC)
Woolsey

NOT VOTING—24

Ackerman
Clay
Coburn
Cubin
Fawell
Flake
Foglietta
Gephardt
Gonzalez
Hinojosa
King (NY)
Lewis (CA)
McIntosh
McKeon
McNulty
Menendez
Payne
Riley
Schiff
Scott
Shuster
Waxman
Yates
Young (AK)

□ 2312

Mr. GEJDENSON and Mr. SANFORD changed their vote from ''yea'' to ''nay.''

Messrs. GREEN, HOSTETTLER, and LAFALCE changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 948.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 948, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 167, not voting 25, as follows:

[Roll No. 574]

YEAS—240

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Campbell
Canady
Cardin
Carson
Chambliss
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Deutsch

Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gillmor
Gilman
Goodling
Gordon
Granger
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Leach
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pomeroy
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Serrano
Shadegg
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn

NAYS—167

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Cannon
Castle
Chabot
Chenoweth
Christensen
Coble
Collins
Combest
Cooksey
Crapo
Cunningham
Davis (VA)
Deal
DeLauro
DeLay
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fowler
Fox
Franks (NJ)
Ganske
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Kasich
Kennelly
Kingston
Klug
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (KY)
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McInnis
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Roemer
Rogan
Rogers
Roukema
Royce
Ryun
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—25

Ackerman
Clay
Coburn
Cubin
Fawell
Flake
Foglietta
Gephardt
Gonzalez
Hall (OH)
Hinojosa
King (NY)
Lewis (CA)
McIntosh
McKeon
McNulty
Menendez
Payne
Riley
Schiff
Scott
Shuster
Waxman
Yates
Young (AK)

□ 2322

Messrs. RYUN, SNOWBARGER, VISCLOSKY, and PICKERING and Mrs. NORTHUP changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

IN SUPPORT OF THE MARRIAGE TAX ELIMINATION ACT

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

Mr. WELLER. Mr. Speaker, I rise today in support of the Marriage Tax Elimination Act. I would like to speak in favor of this important legislation with a few simple questions.

Mr. Speaker, do Americans feel it is fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million middle-class married working couples pay an average of almost $1,400 in higher taxes just because they are married? Do Americans feel it is morally right that our Tax Code provides an incentive to get divorced?

Of course not. The marriage tax is not only unfair, it is wrong. It is immoral that our Tax Code punishes our society's most basic institution, marriage, with a tax penalty of almost $1,400 for 21 million working couples. The Marriage Tax Elimination Act eliminates the marriage penalty. It is important legislation that deserves bipartisan support. I am pleased we now have 223 cosponsors to eliminate the marriage tax penalty.

I include the following material for the RECORD:

MARRIAGE TAX QUOTES

If we are really interested in ''putting children first'', then why would this country penalize the very situation (marriage) where kids do best? When parents are truly committed to each other, through their marriage vows, their children's outcomes are enhanced. Children from solid, married families have higher graduation rates from high school and lower rates of drug abuse and teenage pregnancy.—Gary & Carla Gipson of Houston, Texas.

I am a 61 year old grandmother, still holding down a full time job, and I remarried three years ago. I had to think long and hard about marriage over staying single as I knew it would cost us several thousand dollars a year just to sign that marriage license. Marriage has become a contract between two individuals and the federal government.—Mary A. Hottel of New Castle, Virginia.

Last, I would like to share the few simple words spoken by a constituent of mine in Illinois' 11th Congressional District:

You try and be honest and do things straight, and you get penalized for it. That's just not right.—Mike Reading—Monee, Illinois.

[From the Daily Journal, Sept. 11, 1997]

THE MARRIAGE TAX

Congressman Jerry Weller is taking a leading part in the campaign to repeal the marriage tax.

A story in The Daily Journal Wednesday reported that both he and Rep. David MacIntosh of Indiana are spearheading an effort to get the tax repealed. They would like to see its repeal as part of any new tax bill next year.

We agree. The marriage tax is an unfair imposition. The code should be rewritten to eliminate it.

While we are all for simplicity in the tax code, the reality is that taxes drive social engineering. People will do anything, almost anything, that's legal to avoid taxes. Thus, throughout the 1980s, depreciation rules drove the construction, even overbuilding, in many areas of the country. Large portions of the health insurance crises were driven by a change in the tax laws. You used to be able to deduct insurance entirely off your income tax. It should not have surprised lawmakers that the percentage of people taking health insurance dropped when the deductibility of health insurance shrank.

Thus, laws should encourage, rather than discourage, marriage. And they should encourage, rather than discourage, couples from staying together.

It is patently unfair that a married couple, where both work, is taxed at a higher rate than two separate people. Every year you hear of a couple that humorously goes through a sham divorce just for tax purposes.

This year, the government did lurch in the right direction by enacting tax credits to help parents. Now it should act to help the rest of the family by repealing the marriage tax. Weller's initiative deserves support.

[From the Herald News, Oct. 16, 1997]

WORKING FAMILIES WELCOME REPEAL OF MARRIAGE TAX PENALTY

Elimination of the marriage tax penalty looks like a ''can't miss'' campaign for married couples and Rep. Jerry Weller, R-Morris.

The problem is that it has failed in the past, most notably it was part of the recent Republican ''Contract with America.'' It has been vetoed twice by President Bill Clinton.

Backing this tax reform is like supporting hot dogs and apple pie. It's ''politically correct.''

Weller's bill would allow married couples to select ''single'' or ''married'' on their Internal Revenue Service forms. They can pick the filing status that brings them the greatest tax relief.

Like any ''relief,'' this proposal has a price tag. More than 21 million married couples pay an average of $1,400 more in taxes because they file joint income tax returns.

Weller has 218 co-sponsors for this legislation so far. That's a majority in the House of Representatives. The key player in his corner is House Speaker Newt Gingrich, R-Ga. Gingrich said that an anticipated budget surplus next spring could be used to offset the loss of revenue caused by the eliminating the marriage tax penalty.

Even a heavyweight like Gingrich will face opposition with this unfair tax. There are numerous other uses for that projected surplus, including legislators who want to spend more to repair the nation's highways.

All of this considered, the elimination of the marriage tax should have appeal for working families. Weller said the tax change would be the centerpiece of any 1998 tax relief bills.

Working couples should support this concept. The tax is clearly discriminatory.

Weller released the results of a national poll this week that showed Americans support repeal of the marriage tax. We are sure of that. This is a middle class issue that will draw considerable support when it is explained to taxpayers.

Taxpayers across America should support repeal of the marriage tax. In this region that means contacting Weller's office or Rep. Harris Fawell of Naperville. It will bring clear-cut tax relief to married couples. There may be competition to use federal dollars for other purposes but working people need to stand up and be counted on this proposal.

Marriage should not be penalized by the IRS.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

[Mr. SAXTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HUMAN RIGHTS IN ECUADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise this evening to talk about human rights in Ecuador.

On October 1, I traveled to Ecuador to visit several American prisoners who have been held for many years without even a trial. I made my first trip to Ecuador in April of this year, where I was surprised to see the horrible conditions of the prison and the chaotic condition that exists in the justice system.

Ecuador is a Third World country that cannot afford decent prisons. Many prisoners do not even have bathrooms or food that is safe to eat. The justice system is incredibly corrupt. Judges and lawyers ask for bribes, and it is only the wealthy who can buy their way out. Almost 80 percent of the prisoners in this country have been held on drug charges. Because Ecuador has some of the strictest drug laws in the world, I have been told by several officials that this policy is a result of pressure from the United States.

I firmly believe that we need to be tough on crime. But the problem in Ecuador is that the drug laws are so sophisticated that you have to have a good functional justice system to administer these laws. Ecuador does not. There is no computers in the courtroom. It takes months before the police even let the courts know that someone has been arrested. And then you can sit in jail for years before anyone acknowledges you.

The problem is that when, and if, the people go to trial, more than 60 percent of them are found innocent. Let me repeat this. Sixty percent of those people are found innocent. This is a travesty. And in this system, there are almost 60 Americans. But there has been progress. The condemnation of international attention and visits by Members of Congress in this part of the country has shed light on the situation. I am proud today that since April, Ecuador has released more than 800 Ecuadorean prisoners who were trapped in this unjust system.

One of those prisoners was an American who was released last month after my visit. I spoke about this woman when I came to the floor in May to talk about the problems of this horrible system. Her name is Sandra Chase. She is a 53-year-old woman who suffers a terrible circulatory disease. She was arrested in December 1995 during her first trip out of this country. It took almost 18 months for the police to take her deposition. While she was in jail, Sandra lost her house and everything she owned.

On October 7, the Ecuadorean Government gave amnesty to Sandra Chase. She came home October 9, and her daughter Tammi and I met her in Miami.

□ 2330

She is now with her daughter in California where she is receiving treatment for her disease. I cannot express how happy I was that after almost 2 years, Sandra Chase was able to come home to her family. What a terrible nightmare she suffered.

I am submitting a letter for the RECORD that I have sent to the Minister of Government in Ecuador thanking their country for their release of this prisoner.

While I am extremely grateful for the cooperation, I remain very concerned about another prisoner in Ecuador, Jim Williams. He has been held for 14 months, and the judge in this case continues to refuse all of the evidence presented on his behalf. This is a very good example of how the justice system does not work.

Jim Williams has brought an incredible amount of attention to the justice system in Ecuador and has helped many lives by doing so. I continue to pray for Jim Williams and his family. This Sunday night, November 9, Jim Williams and other American prisoners in Ecuador will be featured on 60 Minutes. I hope that this program will show the American people what is happening to our neighbors in South America and encourage this country to take a closer look at our policy in South America.

Finally, I want to thank the family of Jim Williams for their continued strong support. My thoughts and prayers go out to each of them, especially to Jim Williams' mother, who sends me cards of encouragement, and to Jim Williams' loving wife Robin Williams, who have worked campaigning for her husband each day since his arrest, and his brother Charlie Williams who refused to give up the fight. Robin and Charles are in Washington tonight working on behalf of Jim Williams.

The SPEAKER pro tempore [Mr. REDMOND]. Under a previous order of the House, the gentlewoman from Washington, Mrs. LINDA SMITH is recognized for 5 minutes.

[Mrs. LINDA SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MCNULTY] is recognized for 5 minutes.

[Mr. MCNULTY addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. RUSH] is recognized for 5 minutes.

[Mr. RUSH addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

PUBLICATION OF THE RULES OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, pursuant to clause 2 of rule 11 of the Rules of the House of Representatives, I hereby submit the Rules of Procedure of the Joint Committee of Congress on the Library for printing in the CONGRESSIONAL RECORD.

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

[ONE HUNDRED FIFTH CONGRESS]

RULE NO. 1

GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Joint Committee on the Library so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee's rules shall be published in the Congressional Record as soon as possible following the committee's organizational meeting in each odd numbered year.

RULE NO. 2

REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Joint Committee on the Library shall be the second Wednesday of every month when the House is in session in accordance with clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3

OPEN MEETINGS

As required by clause 2(g), of House rule XI, each meeting for the transaction of business of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: provided, however, that no person other than member of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business session which has been closed to the public.

RULE NO. 4

RECORDS AND ROLL CALLS

(a) The result of each roll call vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such roll call vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of Congress and all members of Congress shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

(d) To the maximum extent feasible, the committee shall make its publications available in electronic form.

RULE NO. 5

PROXIES

No vote by any member in the committee may be cast by proxy.

RULE NO. 6

POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized, (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House

RULE NO. 7

QUORUMS

For the purposes of taking any action other than issuing a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8

AMENDMENTS

Any amendment offered to any pending matter before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

HEARING PROCEDURES

(a) The chairman, with the concurrence of the vice chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question the witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(e) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall:

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10

BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in clause 3 of House Rule XI, subject to the limitations therein.

RULE NO. 11

TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel will occur;

(3) the locations to be visited and the length of time to be spent in each;

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the jurisdiction of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel.

RULE NO. 12

POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairman of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

RULE NO. 13

OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 14

DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the chairman designated staff person, of the committee shall act as the clerk of the committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CUMMINGS] is recognized for 5 minutes.

[Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

[Mr. HOEKSTRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. LEWIS] is recognized for 5 minutes.

[Mr. LEWIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE DISMANTLING OF EQUAL OPPORTUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to express my extreme disappointment with the Supreme Court's ruling yesterday that allows the ban on affirmative action in California to stand. The Supreme Court's decision yesterday is consistent with its trend to reverse the gains of African-Americans, women, and minorities in this country. The Court's unwillingness to take this case and decide it on the merits will spur an all-out frontal attack on initiatives that seek to ensure that minorities receive equal opportunity and fairness in contracting, higher education, employment, and many other areas.

Campaigns to eliminate preferences based on race and sex are under way in several States. Today voters in Houston, the Nation's fourth largest city, had an initiative on the ballot to end affirmative action in the area of public contracts. Perhaps W.E.B. Dubois was right when he said that the problem of the 21st century will be the problem of the color line.

Proponents of dismantling affirmative action have argued that discrimination and isolation are no longer barriers to achievement. However, the statistics bear out a different result. The U.S. Department of Labor's Glass Ceiling Commission report, released March 16, 1995, shows that while white men are only 43 percent of the Fortune 2,000 work force, they hold 95 percent of the senior management jobs. In addition, this report revealed that women are only 8.6 percent of engineers, less than 1 percent of carpenters, 23 percent of practicing attorneys, 16 percent of police, and 3.7 percent of firefighters.

Women and minorities are 66 percent of the population in this country, but only 35 percent of physicians, 20 percent of tenured professors, and 6 percent of school superintendents. Minority enrollments in law school and other graduate programs are plummeting for the first time in decades. Women make up 80 percent of the health service professionals, but white males dominate the senior management positions. It is plain that America is still a society where race and sex play major roles in how far you can go.

The concept of affirmative action encompasses three fundamental principles of fairness: First, ensuring that every American has access to education; second, ensuring that every American has access to good jobs; and the third basic principle of affirmative action for which there can be no retreat is ensuring that every American

has the opportunity to advance as far in their field as their talents and hard work will take them.

Affirmative action is really all about our Nation's economic competitiveness. It is about being inclusive and not exclusive. In other words, it is about making sure that every American regardless of gender or race has an opportunity to live out the American dream. It is about trying to make sure that individuals do, in fact, have access to equal opportunity.

The Supreme Court's decision yesterday is a major setback for equal opportunity and diversity in this country. However, I urge all citizens who want to shatter the infamous glass ceiling, who want to make America's Statue of Liberty ring true when she says, I welcome your poor, tired, huddled masses of immigrants to our borders, to oppose efforts to end Federal affirmative action.

If we end Federal affirmative action, we are likely to see the gap between the haves and the have-nots widen. We are likely to see contracting for minorities, women and small businesses severely decline. In addition, we are likely to see opportunities for higher education continue to be reduced. Therefore, I urge the masses to mobilize and defeat those who would take us backwards rather than forward. Affirmative action must remain a reality in America.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON. addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

[Mr. GREEN. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

[Mrs. MINK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

[Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SUPREME COURT WRONG IN LETTING AFFIRMATIVE ACTION BAN STAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to associate my remarks with that of the gentleman from Illinois in raising concerns about the recent Supreme Court decision that allowed to stand Proposition 209 in California.

I think it is very clear that many have misinterpreted the concept of affirmative action. Affirmative action simply provides an opportunity for those qualified. It is unfortunate that the proponents of 209 and the Supreme Court now in its refusal to hear the decision have denied the rights of women and minorities to address discriminatory practices. And so as we see in California, with the initial impact of Proposition 209, a decided decrease in the schools of medicine and law with respect in particular to Hispanics and African Americans.

We have seen as a result of 209 a chilling effect on qualified minority students leaving in droves the State of California because they find no opportunity for civil rights or the opportunity to be educated in their own schools because they have been denied those opportunities through the biased and unfair implementation of 209.

The question becomes, well, these individuals are not qualified. Evidence shows that graduate students in law and medicine who may have come in under an affirmative action program and scholarship program passed their medical boards and law boards equal to those who were admitted in another manner.

Additionally, I come from the State of Texas, and in particular represent the 18th Congressional District in Houston, TX. It is very clear that the Hopwood decision in Texas has been extremely chilling. In fact, I would say to you that Cheryl Hopwood, the petitioner in that case, which has now eliminated any opportunity for minority students to be accepted on what we call affirmative action goals-directed programs in the State of Texas, should have gotten into the University of Texas. In fact, she was far more qualified than many white males who got in under normal circumstances. So, in fact, I would have supported the admission of Cheryl Hopwood.

Unfortunately, her challenge was misdirected. It was directed at a program that sought to diversify a school system that had been born in segregation. Texas Southern University is a school that was organized in the State of Texas because Herman Sweat was not allowed to go to the law school at the University of Texas. Now we find ourselves having come full circle to deny now the best and the brightest of Texas from particularly Hispanic, African-American, and women populations along with Asians because of the implementation of the Hopwood decision. Now we find ourselves with a clone of 209 on the ballot as I speak in the city of Houston.

First I would like to thank all of those who worked in good faith to maintain the diversity and the international persona of the city of Houston. Mayor Bob Lanier was one of the leaders in this effort. I would suggest to Members that the people of good will know what is best for Houston, and that is to remain with an open door policy.

In this instance, proponents of the elimination of affirmative action directed their hostility toward the city's NWBE Program. Let me share with my colleagues the irony of such a rejection or opposition to the program. Our program was started in 1984, simply a goals aspiration program, simply saying to the majority community, which heretofore took 95 percent of city contracts, again paid for by city tax dollars of which all citizens pay for. After 1984, when the NWBE Program was carefully carved not to be a quotas program, not to be a preference program, we began to see 20 percent of the contracts going to women and minorities, 17 percent in construction and another percentage in professional services.

Now, the proponents of a clone of 209 say that that, in fact, is too much, say that Houston has preference, says that Houston has quotas. Absolutely absurd. What Houston has is the opportunity to promote minority businesses and women-owned businesses that have created jobs.

Mr. Speaker, as I close, let me simply say the Supreme Court was misdirected and unfortunately wrong in their opinion. I would encourage those who will be seeing these particular mechanisms on their ballot to fight hard to oppose allowing individuals to have a remedy for discrimination. That is all that affirmative action is, and we should join with colleagues of good will to likewise defeat any effort by the United States Congress to pass Federal legislation on affirmative action. That certainly will be the commitment that I offer, and I ask my colleagues to join me as well.

IRS IN NEED OF REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address the House this evening on an issue which is really front and center for all the American people, and that is the issue of tax reform and the issue of reforming the IRS. We only have to look to Carol Ward in Colorado Springs, CO, to look to the centrality of this problem. Here we have a young lady who was questioning for her son the way the IRS handled his particular return. Here the agent felt that she was being a little bit defensive or being a little bit actually helpful and he thought overly helpful in asking questions to the IRS agent. Her thanks for being watchful as to her son had her business closed by the IRS, signs placed on it saying that

this business is closed, the IRS seized the assets, seized the bank accounts, put her out of business.

What justification did we have for a Federal agency that is supposed to be there for the benefit of taxpayers, to fund Federal agencies, of course, supposed to be a voluntary payment. Again we have involuntary agents going after Americans in this case where there was no probable cause. This was a fishing expedition. This was an act of retribution against a taxpayer trying to protect the rights of her son.

□ 2345

She recently won in court a settlement on this matter, but if Carol Warden did not have attorneys and could not afford to go forward in this action, she would be like many others who were victims of the IRS whose businesses and personal assets were seized and who in fact felt the full awesome power, Mr. Speaker, of the IRS without fairness and without proper procedures.

So it is for those reasons that many of us in the House, both sides of the aisle, Republican and Democrat, are working on legislative initiatives to change that.

One of the issues I am introducing, Mr. Speaker, is the taxpayer bill of rights 3. This will require for the first time there will be no fishing expeditions by the IRS, no more quotas, as you have heard, from the Senate Finance Committee where they have to have so many cases where they bring investigations or fines and penalties against unwitting Americans who did nothing wrong. But the IRS for the first time under my legislation will be responsible for business and personal losses caused by the IRS actions, and, furthermore, the IRS will be responsible for the legal fees that are a part of this entire charade.

Moreover, we change the burden of proof so it would not require that the IRS would assume that the commissioner is correct and the taxpayer is guilty.

Furthermore, the bill calls for mediation service for those taxpayers that could not afford an attorney that there be a mediation service to settle the claims.

And finally for those taxpayers who come forward with violations by the IRS that they would not be subject to a special audit because they came forward to report wrongdoing or problems with the IRS.

We in Congress need to work together with BILL ARCHER, Congressman PORTMAN, Congressman LARGENT and also Congressman PAXON on all relative bills which deal with the same topic, reforming IRS, making the agency more fair and making sure the Tax Code we have is changed by the year 2000, one that may be flatter, fairer, not have special exemptions and make sure that working Americans have a fair shake from this system and that the agency that will succeed the IRS will be fair to all taxpayers.

I appreciate this time to address the taxpayer bill of rights, and I look forward to the support of my colleagues on this important legislation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF NINE MEASURES RELATING TO THE POLICY OF THE UNITED STATES WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–379) on the resolution (H. Res. 302) providing for consideration of nine measures relating to the policy of the United States with respect to the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2676, IRS RESTRUCTURING AND REFORM ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–380) on the resolution (H. Res. 303) providing for consideration of the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RILEY (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, on account of personal reasons.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 10:30 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FORD) to revise and extend their remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. WHITE) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, today.

Mrs. LINDA SMITH of Washington, for 5 minutes each day, on today and November 5, 6, and 7.

Mr. KINGSTON, for 5 minutes each day, on today and November 5.

Mr. JONES, for 5 minutes, on November 6.

Mr. THOMAS, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, on November 6.

Mr. MCHUGH, for 5 minutes, on November 6.

Mr. BOEHLERT, for 5 minutes, on November 6.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. ADAM SMITH of Washington, for 5 minutes each day, on November 5, 6, and 7.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WHITE) and to include extraneous matter:)

Mr. FORBES.

Mr. CALLAHAN.

Mr. GILMAN.

Mr. ROGAN.

Mr. GRAHAM.

Mr. YOUNG of Alaska.

Mr. SAXTON.

Mr. BEREUTER.

Mr. ADERHOLT.

(The following Members (at the request of Mr. FORD) and to include extraneous matter:)

Mr. HOYER.

Mr. KUCINICH.

Mr. ABERCROMBIE.

Mr. FRANK of Massachusetts.

Mr. PAYNE in two instances.

Mr. ACKERMAN.

Mr. VENTO.

Mr. TOWNS.

Mr. LANTOS.

Mr. VISCLOSKY.

Mr. ORTIZ.

Mr. GONZALEZ.

Ms. DELAURO.

Mr. MANTON.

Mr. BENTSEN.

Ms. LOFGREN.

Mr. OWENS.

Mr. STARK.

Mr. KIND.

Mr. MCGOVERN.

(The following Members (at the request of Mr. FOX of California) and to include extraneous matter:)

Mrs. MCCARTHY of New York.
Mr. BOB SCHAFFER of Colorado.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled, a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2107. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2107. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 5, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5719. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Pesticide Tolerances for Emergency Exemptions [OPP–300567; FRL–5750–8] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5720. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP–300555; FRL–5745–5] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ferric Phosphate; Establishment of an Exemption from the Requirement of a Tolerance [OPP–300564; FRL–5749–2] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5722. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—4-(2,2-difluoro-1,3-benzodioxol-4-yl) — H-pyrrole-3-carbonitrile; Pesticide Tolerance [OPP–300565; FRL–5750–2] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5723. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300570; FRL–5752–4] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5724. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dipropylene Glycol Dimethyl Ether; Final Significant New Use Rule [OPPTS–50621B; FRL–5745–1] (RIN: 2070–AB27) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5725. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fuels and Fuel Additives; Elimination of Oxygenated Fuels Program Reformulated Gasoline (OPRG) Category from the Reformulated Gasoline Regulations [FRL–5917–7] (RIN: 2060–AH43) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5726. A letter from the AMD—Performance Evaluation and RECORDs Management, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received October 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5727. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to New Zealand (Transmittal No. 05–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

5728. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Greece (Transmittal No. DTC–88–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5729. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–127–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5730. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–129–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5731. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–126–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5732. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Australia (Transmittal No. DTC–120–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5733. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–123–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5734. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5735. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on Inspector General audits for the period from April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5736. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting the annual report on audit and investigative coverage required by the Federal Managers' Financial Integrity Act for the period ending September 30, 1997, pursuant to 5 U.S.C. app. 3 section 8G(h)(2); to the Committee on Government Reform and Oversight.

5737. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 102997B] received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5738. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA–113–FOR] received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5739. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review; Adjustment of Status to That of Person Admitted for Permanent Residence [EOIR No. 119 I; A.G. ORDER No. 2120–97] (RIN: 1125–AA20) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5740. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on the authorized deep-draft navigation project for the Cape Fear-Northeast (Cape Fear) Rivers, North Carolina, pursuant to Public Law 104—303, section 101(a)(22); (H. Doc. No. 105—164); to the Committee on Transportation and Infrastructure and ordered to be printed.

5741. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on a flood damage reduction project for the Cedar Hammock (Wares Creek) area of Manatee County, Florida, pursuant to Public Law 104–303, section 101(a)(10); (H. Doc. No. 105–165); to the Committee on Transportation and Infrastructure and ordered to be printed.

5742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50 and –80C2 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–52–AD; Amendment 39–10186; AD 97–22–14] (RIN: 2120–AA64) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes (Federal Aviation Administration) [Docket No. 97–CE–11–AD; Amdt. 39–10187; AD 97–22–16] (RIN: 2120–AA64) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–252–AD; Amdt. 39–10185; AD 97–22–13] (RIN: 2120–AA64) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lewiston, ID (Federal Aviation Administration) [Airspace Docket No. 97–ANM–07] (RIN: 2120–AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Gillette, WY (Federal Aviation Administration) [Airspace Docket No. 97–ANM–11] (RIN: 2120–AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Twin Falls, ID (Federal Aviation Administration) [Airspace Docket No. 97–ANM–08] (RIN: 2120–AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Aurora, MO (Federal Aviation Administration) [Airspace Docket No. 97–ACE–15] (RIN: 2120–AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pella, IA (Federal Aviation Administration) [Docket No. 97–ACE–25] (RIN: 2120–AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Anniston, AL (Federal Aviation Administration) [Airspace Docket No. 97–ASO–10] (RIN: 2120–AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted November 3, 1997]

Mr. BLILEY: Committee on Commerce. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 105–164, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 4, 1997]

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2675. A bill to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes; with an amendment (Rept. 105—373). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 1836. A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes, with an amendment (Rept. 105–374). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 2709. A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; with an amendment (Rept. 105–375). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2534. A bill to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes; with an amendment (Rept. 105–376). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 799. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to Exclude an established Forest Service road inadvertently included in the wilderness (Rept. 105–377). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 838. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes (Rept. 105–378). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 302. Resolution providing for consideration of nine measures relating to the policy of the United States with respect to the People's Republic of China (Rept. 105–379). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes (Rept. 105–380). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Rules discharged from further consideration. H.R. 2621 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARRETT of Nebraska (for himself, Mrs. CUBIN, and Mr. CHRISTENSEN):

H.R. 2795. A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Resources.

By Mrs. CLAYTON (for herself, Mr. DELLUMS, Mr. SKELTON, Mr. BATEMAN, Mr. SPRATT, Mr. HANSEN, Mr. ORTIZ, Mr. BUYER, Mr. ABERCROMBIE, Mrs. FOWLER, Mr. MCHALE, Mr. GIBBONS, Mr. HEFNER, Mr. BALLENGER, Mr. COBLE, Mr. BILBRAY, Mr. BLILEY, Mr. GOODE, Mrs. MEEK of Florida, Mr. FROST, Mr. PALLONE, Mr. MCGOVERN, Mr. STENHOLM, Mr. CLAY, Ms. FURSE, and Mr. PRICE of North Carolina):

H.R. 2796. A bill to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997; to the Committee on National Security.

By Mr. COOK:

H.R. 2797. A bill to require air carriers to charge a reduced fare for air transportation to and from certain clinical health trials; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois:

H.R. 2798. A bill to redesignate the building of the United States Postal Service located at 2419 West Monroe Street, in Chicago, Illinois, as the ''Nancy B. Jefferson Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. DAVIS of Illinois:

H.R. 2799. A bill to redesignate the building of the United States Postal Service located at 324 South Laramie Street, in Chicago, Illinois, as the ''Reverend Milton R. Brunson Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. DUNCAN:

H.R. 2800. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Resources.

By Mr. FAZIO of California (for himself, Ms. KAPTUR, Mr. SERRANO, Ms. DELAURO, Mr. PALLONE, and Mrs. LOWEY):

H.R. 2801. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Agriculture, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. DELAHUNT, Ms. CARSON, and Mr. FROST):

H.R. 2802. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for damage awards for emotional distress; to the Committee on Ways and Means.

By Mr. GRAHAM:

H.R. 2803. A bill to amend the Internal Revenue Code of 1986 to reduce the noncorporate capital gains tax rate; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself, Mr. DAVIS of Illinois, Ms. HOOLEY of Oregon, Mr. JACKSON, Mr. MCINTYRE, Ms. MILLENDER-MCDONALD, Mr. PAUL, Mr. SANDLIN, and Mr. TOWNS):

H.R. 2804. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to primary health providers who establish practices in health professional shortage areas; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mr. LANTOS, Mr. MCGOVERN, Mrs. MINK of Hawaii, and Mr. MILLER of California):

H.R. 2805. A bill to prohibit a State offical from releasing the results of a Presidential election in the State prior to the closing of the polls for such election in all States within the continental United States; to the Committee on House Oversight.

By Mr. PASCRELL:

H.R. 2806. A bill to amend title 49, United States Code, to provide that motor carriers safety permits for the transportation of hazardous material be subject to annual renewal; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself and Mr. MILLER of California):

H.R. 2807. A bill to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger; to the Committee on Resources.

By Mr. SKEEN:

H.R. 2808. A bill to designate a commercial zone within which the transportation of certain passengers or property in commerce is exempt from certain provisions of chapter 135 of title 49, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 2809. A bill to provide for the declassification of the journal kept by GLENN T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 2810. A bill to direct the Secretary of the Interior to conduct a study to determine the best uses for the property on which the Lorton Correctional Complex is located to obtain the maximum economic benefit from the closure of the Complex under the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN:

H.R. 2811. A bill to amend the Trade Act of 1974 and the Tariff Act of 1930 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2812. A bill to provide for the recognition of certain Native communities under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Resources.

By Mr. SOLOMON:

H. Res. 301. A resolution amending the Rules of the House of Representatives to repeal the exception to the requirement that public committee proceedings be open to all media; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mrs. FOWLER introduced A bill (H.R. 2813) to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. SOUDER, Mrs. MYRICK, and Mr. HOLDEN.

H.R. 59: Mr. EVERETT, Mr. CALLAHAN, Mr. MCINNIS, Mr. BOEHNER, and Mr. MORAN of Kansas.

H.R. 80: Mr. SALMON.

H.R. 135: Mr. BERRY.

H.R. 306: Mr. ROMERO-BARCELÓ, Mr. MOLLOHAN, and Mr. BORSKI.

H.R. 314: Mr. BILIRAKIS.

H.R. 383: Mr. LANTOS.

H.R. 591: Mrs. MALONEY of New York.

H.R. 619: Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. KENNEDY of Rhode Island, Mr. ENGLE, Mr. MARTINEZ, Mr. LAZIO of New York, Mr. PAPPAS, Mr. WEYGAND.

H.R. 622: Mr. COOKSEY and Mr. COMBEST.

H.R. 716: Mr. SALMON.

H.R. 721: Mr. MINGE.

H.R. 746: Mr. CALVERT and Mr. SAM JOHNSON.

H.R. 754: Ms. STABENOW.

H.R. 815: Mr. BAESLER and Mrs. FOWLER.

H.R. 971: Mr. PAPPAS.

H.R. 979: Mr. LANTOS, Mr. KIM, Mr. NETHERCUTT, and Mr. TAYLOR of North Carolina.

H.R. 991: Mr. WYNN.

H.R. 1009: Mr. BATEMAN.

H.R. 1115: Mr. BROWN of California.

H.R. 1126: Mr. HORN.

H.R. 1165: Mr. LANTOS.

H.R. 1232: Ms. DEGETTE.

H.R. 1241: Mr. TORRES.

H.R. 1301: Mr. LUTHER.

H.R. 1334: Mr. BERMAN.

H.R. 1356: Mr. LEWIS of California.

H.R. 1415: Mr. ORTIZ, Mr. MORAN of Virginia, and Mr. BARTLETT of Maryland.

H.R. 1432: Mr. CLEMENT.

H.R. 1500: Mr. FRANKS of New Jersey.

H.R. 1544: Mr. BENTSEN.

H.R. 1595: Mr. DUNCAN and Mr. REDMOND.

H.R. 1625: Mr. DREIER, Mr. BASS, Mr. CRANE, Mr. BONILLA, Mr. BARTON of Texas, and Mrs. CHENOWETH.

H.R. 1719: Mr. MORAN of Kansas.

H.R. 1861: Mr. FRANKS of New Jersey.

H.R. 1872: Mr. DEAL of Georgia, Mr. ENGEL, and Mr. HASTINGS of Washington.

H.R. 1995: Mr. WALSH, Mr. BOEHLERT, Ms. CHRISTIAN-GREEN, Mr. MCHALE, and Mr. ROMERO-BARCELO.

H.R. 2023: Ms. RIVERS.

H.R. 2029: Mr. BURTON of Indiana.

H.R. 2040: Mr. GOSS.

H.R. 2139: Mr. SOLOMON.

H.R. 2212: Mr. LANTOS.

H.R. 2228: Ms. CHRISTIAN-GREEN, Mr. FILNER, Mr. DELLUMS, and Ms. PELOSI.

H.R. 2292: Mr. DEAL of Georgia and Ms. MCCARTHY of Missouri.

H.R. 2320: Mr. ABERCROMBIE, Mr. FROST, Mr. MCGOVERN, Ms. STABENOW, and Mr. THOMPSON.

H.R. 2321: Mr. BACHUS and Mr. MCCRERY.

H.R. 2327: Mr. STUMP.

H.R. 2351: Mr. BROWN of California, Ms. VELAZQUEZ, and Ms. ROYBAL-ALLARD.

H.R. 2377: Mr. BOSWELL, Mr. SUNUNU, Mr. BASS, Mr. CAMP, and Ms. DUNN of Washington.

H.R. 2408: Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. ALLEN, and Mr. ACKERMAN.

H.R. 2442: Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. BONOIR, and Mr. GEPHARDT.

H.R. 2449: Mr. RYUN.

H.R. 2450: Ms. KAPTUR and Mr. MARKEY.

H.R. 2468: Mr. MCGOVERN.

H.R. 2495: Mr. YATES, Mr. FROST, and Mr. OLVER.

H.R. 2503: Mr. MCGOVERN, Mrs. KELLY, Mr. HASTINGS of Florida, and Ms. MCCARTHY of Missouri.

H.R. 2509: Mr. KLINK, Mrs. MYRICK, Mr. CLYBURN, and Mr. COBLE.

H.R. 2523: Mr. DICKS.

H.R. 2549: Ms. KAPTUR.

H.R. 2570: Mr. BOB SCHAFFER, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. CHRISTENSEN, and Mr. BURTON of Indiana.

H.R. 2596: Mr. BARRETT of Nebraska, Mr. MCINTOSH, Mrs. EMERSON, Mr. HILL, Mr. NUSSLE, Mr. KLUG, and Mr. COMBEST.

H.R. 2604: Mr. TAYLOR of North Carolina, Mr. WELLER, and Mr. TORRES.

H.R. 2609: Mr. BOEHNER, Mr. PICKERING, Mr. TIAHRT, and Mr. MARTINEZ.

H.R. 2612: Mr. TRAFICANT.

H.R. 2625: Mr. WELLER, Mr. GOODLING, Mrs. KELLY, Mr. DAN SCHAEFER of Colorado, and Mr. THORNBERRY.

H.R. 2631: Mr. PACKARD, Mr. ROGAN, and Mr. Quinn.

H.R. 2647: Mr. BOB SCHAFFER, Mr. WATTS of Oklahoma, and Mr. BURTON of Indiana.

H.R. 2649: Mr. TORRES.

H.R. 2650: Mr. TORRES and Mr. BORSKI.

H.R. 2681: Mr. BOUCHER, Mr. RAHALL, Mr. BONIOR, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2695: Mr. GREEN, Mr. PAYNE, Mr. FORD, Mr. TORRES, Mr. LANTOS, and Mr. ACKERMAN.

H.R. 2697: Mr. FROST, Mr. GUTIERREZ, Mr. RUSH, and Mr. SHERMAN.

H.R. 2708: Mr. GIBBONS, Mr. JEFFERSON, and Mr. SNYDER.

H.R. 2713: Mr. ALLEN and Mr. LANTOS.

H.R. 2746: Mr. WELDON of Florida, Mr. KING of New York, Mr. PETERSON of Pennsylvania, Mr. LARGENT, Mr. MCINTOSH, and Mr. NORWOOD.

H.R. 2757: Mr. LIPINSKI, Mr. WEYGAND, and Mrs. THURMAN.

H.R. 2760: Mr. SKELTON and Mr. BENTSEN.

H.R. 2779: Mrs. KELLY and Mr. BISHOP.

H. Con. Res. 52: Mr. FATTAH.

H. Con. Res. 152: Mr. QUINN and Mr. PASCRELL.

H. Con. Res. 182: Mrs. KELLY.

H. Res. 135: Mr. WATT of North Carolina.

H. Res. 279: Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. LANTOS, Mr. ABERCROMBIE, Mr. HEFNER, Ms. KILPATRICK, Ms. SANCHEZ, Mr. SANDLIN, and Ms. VELAZQUEZ.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2616

OFFERED BY: MR. WEYGAND

AMENDMENT NO. 4: Page 15, line 17, strike ‘‘, to the extent possible,’’.

Page 15, line 20, insert ‘‘to’’ before ‘‘each’’.

Page 15, line 20, insert ‘‘which has applied for a grant in accordance with the requirements of subsections (a) and (b) of section 10303’’ after ‘‘State’’.