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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

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Senate

The Senate was not in session today. Its next meeting will be held on Thursday, June 4, 1998, at 9:30 a.m.

House of Representatives

WEDNESDAY, JUNE 3, 1998

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 3, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Help us, O gracious God, to remember that You are the creator of the world, the giver of life and the spirit that is within us. As we meditate on Your daily blessings, may we not only see Your gifts to us in our personal lives, but motivate us to see beyond ourselves and understand more clearly how we are all bound together as people sharing the mark of Your creation. So give us tolerance in our appreciation of other traditions, give us awareness of the needs of others, and give us responsive hearts to Your gifts. May Your benediction of grace and peace be with us now and evermore. Amen.

THE JOURNAL

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

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

Mr. TIAHRT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TIAHRT. 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, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a resolution of the following title, in which concurrence of the House is requested:

S. RES. 241

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Barry Goldwater, formerly a Senator from the State of Arizona.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand recessed as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 824. An act to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the ''Howard T. Markey National Courts Building''.

The message also announced that the Senate passed bills of the following titles, in which concurrence of the House is requested:

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the ''Justice John McKinley Federal Building''.

S. 1355. An act to designate the United States courthouse located in New Haven, Connecticut, as the ''Richard C. Lee United States Courthouse''.

S. 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the ''Joseph P. Kinneary United States Courthouse''.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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S. 1898. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building''.

S. 2032. An act to designate the Federal building in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 1 of rule I, the Speaker pro tempore signed the following enrolled bill on Thursday, May 8, 1998:

H.R. 2400, to authorize funds for highways, highway safety programs, and transit programs, and for other purposes.

COMMUNICATION FROM STAFF MEMBER OF THE HON. JOHN BALDACCI, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Judith A. Cadorette, office manager for the Hon. JOHN BALDACCI, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 19, 1998.

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

DEAR MR. SPEAKER. This is to formally notify you, pursuant to Rule L (50) of the rules of the House of Representatives, that I have been served with a subpoena duces tecum issued by the United States District Court for the district of Maine in the case of Desrosiers v Runyon, No. 97–CV–391–P–C.

I will make the determinations required by Rule 50 in consultation with the Office of General Counsel.

Sincerely,

JUDITH A. CADORETTE,
Office Manager for John Baldacci.

ON CHINA

(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, just when we think we have heard it all, yesterday China asked the United States for this, and get this, permanent most-favored-nation trading status. It seems that the Chinese feel that our annual congressional reviews are an obstacle, a roadblock to improved relations between the United States and China. Did my colleagues catch that? It is Congress' fault that our countries are not closer.

Mr. Speaker, several obstacles to better U.S. China relations come to mind, but none of them are the fault of the United States Congress. It was 9 years ago this week that China cracked down on pro-democracy protesters in Tiananmen Square; 250 people are still jailed as a result of that protest. China has been implicated in a scheme to funnel money to the DNC. This administration placed business issues over U.S. national security by approving the transfer of highly classified missile technology to the Chinese. Now the CIA says that China has at least 13 nuclear-tipped missiles pointed at the United States.

Most-favored-nation status? My foot.

SERBIAN PRESIDENT MILOSEVIC

(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, when Serbian President Milosevic promised to work with Albanian leaders in Kosovo, the White House lifted sanctions on Serbia. Milosevic then proceeded to slaughter thousands of ethnic Albanians, many of them helpless women and children.

Milosevic is a liar, Milosevic is a brutal killer, and ethnic cleansing has reared its ugly head once again. Milosevic must be challenged. The United States should reimpose strict sanctions on Serbia, and it is time for Europe to stop coddling this bum. I believe Milosevic must be made to understand that Albanian children are God's children, too.

IN SUPPORT OF H.R. 2604, RELIGIOUS LIBERTY AND CHARITABLE DONATION PROTECTION ACT

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

Mr. SHIMKUS. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 2604, the Religious Liberty and Charitable Donation Protection Act. This legislation, which will be on the floor later today, will provide churches and charities with equal protection under this Nation's bankruptcy laws.

Under current law, local churches and charities could be forced to return a contribution if the donor filed for bankruptcy. Imagine what would happen to the financial structure of one's church if a major donation made 11 months earlier and already spent was forced to be returned. Churches run on tight budgets and retroactively forcing them to return gifts is wrong. This practice might even be okay if we applied the same standard to restaurants, hotels or casinos, but we do not. Churches and charities are singled out.

Mr. Speaker, right now our bankruptcy code places casinos above churches. This is wrong, and I look forward to passage of H.R. 2604 later today.

SUDAN

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

Mr. HALL of Ohio. Mr. Speaker, I have just returned from a visit to Sudan's killing fields. As we all know, a civil war in that country has raged for 15 years and slavery is alive and well in this last dark corner of our world. But the situation is more desperate today than it has ever been.

During my 4-day visit to the famine-stricken areas, I saw vultures pick clean the bones of people and their cows. They are slaughtering people and livestock alike, seizing human beings as slaves.

One picture all the way over there, these are terrible, awful pictures, but we have a lot of pictures like that, that were just slaughtered and vultures just picking their bones.

I also saw hundreds of survivors at aid stations. Many had lost their families along the way, and many will not survive. This little boy is one of them.

I have not seen anything like what I saw in Sudan last week since I first saw Ethiopia's great famine in 1984, not in Rwanda, not in Somalia, not in North Korea, not anywhere. Today, 700,000 people like this are facing starvation in Sudan. If help does not arrive in the coming weeks, the planting will not be done and the crisis will continue into next year.

This House, this country, indeed this world must do more to help these people. They are innocent. They are absolutely destitute, and they are being starved and slaughtered.

CHILD CUSTODY PROTECTION ACT

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

Mr. PITTS. Mr. Speaker, some of the most important laws we pass in this body are those that strengthen America's families. For that reason it is imperative that the House move immediately to curtail activity which undermines a relationship so vital to the future of this country: the parent-child relationship.

The Child Custody Protection Act, legislation which makes it a Federal offense to transport a minor across State lines for an abortion in order to circumvent that State's parental involvement laws, does just that. This act supports laws already in place in 22 States, States that reinforce the authority of parents, requiring parental or judicial notification before a young girl seeks an abortion.

Mr. Speaker, while the pregnancy of a young girl is an extremely difficult situation, these young women are exactly those who parental consent State laws are in place to protect.

Those who wish to undermine parental authority are aiding in the breakdown of the family. This cannot be allowed to continue. Congress has a responsibility to support laws that strengthen, not weaken families.

CALIFORNIA ELECTION RESULTS

(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, before I give my one minute, I just would like to publicly thank our colleague, the gentleman from Ohio (Mr. HALL) for his trip to Sudan and calling attention to a tragic, tragic situation. I thank him.

Mr. Speaker, yesterday, in the California elections, the people of California rejected a cynical attempt to stifle the voices of working families in America, to stifle the voices of concerned nonprofit organizations.

Proposition 226 was an effort by the Republican leadership and the Republican Party to lash out at working families and to deny members of unions the ability to participate in the political process in this country, a right that they are guaranteed under the Constitution. It was cynically dubbed the Paycheck Protection Act. It had nothing to do with protecting people's paychecks. It had everything to do with trying to get back at organized labor in this country for the very effective campaign they ran in the last national elections on behalf of President Clinton and on behalf of many Members of the Congress where they told the truth about what the Republican leadership and majority was trying to do in this House of Representatives in denying people the rights and fundamental basic ability to raise their family.

ON CHARACTER

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

Mr. TIAHRT. Mr. Speaker, in many foreign countries it is difficult to do business without a payoff or a bribe. Just slide some money across the hand and doors open. It happens in many countries that do not have high moral standards of right and wrong. But it is not acceptable in America. Not until now. It appears something has changed.

Our high moral standards driven by character and a strong sense of right and wrong now seem to have sunk to a new low of a mere political contribution and doors open. Just a few lucrative political donations from the Communist Chinese and a big U.S. corporation will change export policy and doors will open.

The administration has taken high-tech satellite export waivers from the Department of Defense and the State Department and given it to the Commerce Department, making it easier for doors to open. Now an American company may have exported high technical information that jeopardizes our security, our national security.

It may happen in other countries, but it should never happen here.

CALIFORNIA PROPOSITION 226

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

Ms. DELAURO. Mr. Speaker, I rise today to commend the voters of California for rejecting Proposition 226. Republican leaders in the House were supporting this initiative in order to silence the voices of American workers and America's working families. And by voting down Proposition 226, California voters stood up for their right to participate in the political process.

Right now, working families do not have enough say in our political process. In 1996, wealthy corporations and business representatives poured more than $650 million into campaigns, 11 times what labor unions, the representatives of working Americans, were able to spend.

We need to pass genuine campaign finance reform that increases the participation of average working families and limits the role of wealthy special interests. We need less money in our political process. We need to restore Americans' faith in our political process. We need to pass meaningful campaign finance reform today.

□ 1415

DIABETES

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

Mr. CUMMINGS. Mr. Speaker, diabetes is a disease of national impact. According to the American Diabetes Association, there are an estimated 15.7 million people who suffer from this disease. The frightening fact is that there are over 5 million people that have it and are unaware of it.

Medical technology has not yet discovered a way to prevent this disorder. Only treatment is available. It is known as the silent killer because it seldom gives any warning of its presence. Many people are unaware that they have diabetes until they suffer from one of its life-threatening complications, blindness, kidney disease, nerve disease, amputations, heart disease and stroke.

The African-American community is nearly twice as likely to suffer from this disorder that can cause the body to not produce enough insulin or not properly use it. Over 2.3 million African-Americans have been diagnosed and over half are unaware that they have this silent and deadly disorder.

I urge this Congress to reduce the number of Americans suffering from diabetes and increase funding for biomedical research.

TEA 21 RESTORATION ACT

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3978) to restore provisions agreed to by the conferees to H.R. 2400, entitled the ''Transportation Equity Act for the 21st Century'', but not included in the conference report to H.R. 2400, and for other purposes, and that the bill be considered as passed.

The Clerk read the title of the bill.

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

Mr. BARRETT of Wisconsin. Mr. Speaker, reserving the right to object, if I could, just to embellish a little bit on my reservation, the bill that passed Congress last week had a provision that had a major impact on southeastern Wisconsin. This was a provision that was not contained in the original House version of the bill nor was it contained in the bill when it passed the Senate. However, during the conference committee, there was an amendment added to the conference committee report. That amendment basically gives the Governor of the State of Wisconsin unilateral authority, from my perspective, as to how $241 million should be spent for transportation projects in Wisconsin, money which was by agreement originally set aside for southeastern Wisconsin. The reason that we heard from the State and from others that this provision was in the bill was because of the concern that the State of Wisconsin would lose this $241 million. It is my belief that at this point, that is no longer a danger. And so what I am going to propose to the chairman of the committee in just a moment or two is unanimous consent for an amendment which would return the language to what I perceive to be the original agreement between the parties. If I may, Mr. Speaker, the conference report language, section (n) Substitute Project, Section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 has several sections to it. My amendment would strike the second paragraph and would insert the following two paragraphs:

Paragraph 2. ''Notwithstanding paragraph (1) and subsection (c) of this section, upon the request of the Governor of the State of Wisconsin, submitted after consultation with appropriate local government officials by October 1, 2000, the Secretary may approve 1 or more substitute projects in lieu of the substitute project approved by the Secretary under paragraph (1) and subsection (c) of this section.''

''(3) Funds available for 1 or more substitute projects under paragraph (2) shall be used for transportation priorities associated with the East-West Corridor Project in southeastern Wisconsin.''

That would be the amendment that I am going to ask the gentleman for unanimous consent for. The reason I am doing this, Mr. Speaker, is that I believe that this is a fight, and it truly is a fight, in the State between State officials and local officials as to how this money should be spent. There was a delicate balance of power that had been achieved in the prior language that had been agreed to on a bipartisan

basis. It is my understanding that the State Transportation has asked for this language. Unfortunately, I was not aware of this language until very, very late in the process. I do not think that it is good public policy for one person whether it is a Governor, a Mayor or a President to have sole discretion over $241 million. I think that the balance of power shifted dramatically under this amendment.

Mr. Speaker, I ask the gentleman from Pennsylvania to amend his unanimous consent request to permit this amendment to the bill.

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

Mr. BARRETT of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I must reluctantly decline to my good friend's unanimous consent request. I will certainly try to be helpful, but I must reluctantly object.

The TEA 21 Restoration Act makes certain technical corrections to the Transportation Equity Act for the 21st Century (TEA 21), which was approved by Congress on May 22, 1998, and restores provisions agreed to by conferees but inadvertently not included in TEA 21.

The striking of section 1211(j) of TEA 21 is not intended to suggest that a home heating oil pilot program should not be conducted as originally contemplated by Congress in 1995. Rather, because the Secretary has been given new authority under section 4007 of TEA 21 for waivers, exemptions and pilot programs, the heating oil pilot can be conducted under such authority so that section 1211(j) is redundant and no longer necessary. The home heating oil pilot program was first authorized in section 346 of the National Highway System Designation Act of 1995. Due to its limited, one-year duration and delays in establishing the pilot, it was never fully implemented by the Department of Transportation. While this extension is being dropped, the Secretary should utilize the general authority to conduct the heating oil pilot program.

In addition, because of the unique seasonal nature of the heating oil industry, it is essential that a pilot program be implemented on or before December 1 if it is to have any value for the following winter heating season. Because the Secretary has previously issued regulations, following an opportunity for public comment, with regard to the heating oil pilot program enacted in 1995, the Secretary is urged to utilize that prior experience in order to expedite a pilot program, or to consider an exemption, if requested, under section 4007 of TEA 21.

Section 1204 of TEA 21 makes improvements to the current statewide planning provisions. The Conference agreement provides for enhanced consultation between local officials and States when compiling the State transportation improvement programs. This consultation may occur through a variety of mechanisms, including, where appropriate, regional development organizations. In certain areas, regional development organizations may serve to ensure the participation of local officials and the public in the planning process in a coordinated manner.

Section 3030(c) of TEA 21 makes funds available for certain new starts projects. This section is not intended to be a limitation on the level of federal funding provided under any future full funding grant agreement. The actual federal share for projects eligible for full funding grant agreements shall be negotiated between the designated recipient and the Secretary. For example, the amounts included in subsection 3030(c) for the Dallas-North Central Extension project do not reflect a cap on the Federal share of project costs included in a future full funding grant agreement. Since this project is also authorized in subsection 3030(a) for final design and construction, the amount included is a minimum amount which will be provided in a full funding grant agreement. The actual Federal share will be negotiated between DART and the Secretary.

The following is a summary of the bill:

HOUSE/SENATE JOINT SUMMARY OF TECHNICAL CORRECTIONS TO TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

This legislation restores and corrects provisions agreed to by the conferees to the Transportation Equity Act for the 21st Century. This legislation has been developed jointly by the conferees to reflect the conference agreement.

This legislation does not change the formula allocations contained in the Conference Report to the Transportation Equity Act for the 21st Century.

Provisions previously agreed to by conferees and restored in this legislation:

National Historic Covered Bridge Preservation program.

Substitute Project for the Barney Circle Freeway project, Washington, D.C.

Discretionary Grant Selection Criteria and Process.

Open Container Laws.

Minimum Penalties for Repeat Offenders for Driving while Intoxicated.

Making Intelligent Transportation System activities eligible for innovative financing.

Corrections to duplicate provisions:

San Mateo County, California—eligibility for the Emergency Relief program.

Value Pricing Pilot program.

National Defense Highways Outside the United States.

Other technical corrections:

Conforms authorization levels with the list of high priority projects.

Modifies funding level for the Highway Use Tax Evasion program.

Retains practice under current law which allows multi-year obligation authority for research programs.

Continues current law requirement for Puerto Rico to comply with the minimum drinking age law and identifies program category funding distribution.

Modifies the Magnetic Levitation Transportation Technology Deployment Program as it relates to low speed magnetic levitation technologies.

Conforms credit levels in TIFIA to agreed upon distribution of budget authority.

SUMMARY OF TECHNICAL CORRECTIONS TO TEA–21

Section 2:

Adjusts funding levels for high priority projects to conform with list in the conference report and to correct other errors.

Adjusts funding levels for Highway Use Tax Evasion projects to allow for implementation of the Excise Fuel Tracking System.

Makes corrections to obligation limitation levels.

Retains practice in current law to continue multi-year obligation authority for research programs.

Corrects description of Interstate routes used in apportionments.

Section 3:

Restores the National Historic Covered Bridge Preservation program.

Restores the Substitute Project for the Barney Circle Freeway, Washington, D.C.

Restores Fiscal, Administrative and Other Amendments included in both House and Senate bills.

Clarifies program funding categories for Puerto Rico and continues current law penalties for Puerto Rico for non-compliance with the federal minimum drinking age requirements.

Modifies Sec. 1217(j) to allow for effective implementation of this subsection.

Modifies Magnetic Levitation Deployment Program to clarify eligibility of low-speed magnetic levitation technologies.

Section 4:

Restores the Discretionary Grant Selection Criteria program.

Conforms Environmental Streamlining to include mass transit projects.

Section 5:

Restores the Open Container Law safety program.

Restores the Minimum Penalties for Repeat Offenders program.

Section 6:

Eliminates duplicate provisions for San Mateo County, California, the Value.

Pricing Pilot Program, and National Defense Highways Outside the United States.

Restores the Minnesota Transportation History Network program.

Section 7:

Conforms the credit levels in the Transportation Infrastructure Finance and Innovation program to agreed upon distribution levels of budget authority.

Section 8:

Makes technical corrections, description changes and previously agreed upon additions to high priority projects.

Section 9:

Makes corrections to transit planning provisions to conform to provisions in title 23.

Clarifies eligibility of clean diesel under clean fuels program.

Makes technical corrections to section 5309 and clarifies the Secretary's full funding grant agreement authority.

Funds University Transportation Centers authorized under title 5.

Restores requirement that transit grantees accept non-disputed audits of other government agencies when awarding contracts.

Makes corrections to the authorizations for planning, University Transportation Centers, the National Transit Institute and the additional amounts for new starts.

Makes technical corrections, description changes, and previously agreed upon additions to new starts projects.

Makes technical corrections to the access to jobs and reverse commute programs.

Corrects funding level for the Rural Transportation Accessibility Incentive Program and makes other technical corrections.

Makes technical corrections to study on transit in national parks.

Makes corrections to obligation limitation levels.

Section 10:

Conforms section references for the Motor Carrier Safety program.

Section 11:

Adjusts authorization levels for university transportation centers to conform with modifications made in the Transit title in Section 9.

Restores eligibility of Intelligent Transportation System activities for innovative financing.

Corrects drafting errors to Oklahoma State University and University of Oklahoma research activities.

Corrects drafting errors to Fundamental Properties of Asphalts and Modified Asphalts research program.

Section 12:

Corrects reference to the National Highway Traffic Safety Administration.

Section 13:

Makes corrections to offsetting adjustments for discretionary spending limits.

Section 14:

Makes corrections to the Veterans subtitle.

Section 15:

Makes technical corrections to the Revenue title.

Section 16:

Provides for the effective date of this act to conform with the effective date of TEA–21.

I would also like to add that the Statement of Managers included in the Conference Report also contains errors. A corrected Statement of Managers will be worked out with the Senate and included in both records shortly.

Mr. BARRETT of Wisconsin. Mr. Speaker, further reserving the right to object, I appreciate that. What I felt was necessary was for the body to hear the other side of the story here so that individuals know that this is a very, very, very important concern for the people of southeastern Wisconsin. I wanted to make sure that the people in this Chamber realize how important this is, at least for this Member and I think for the two Senators from the State of Wisconsin as well as the gentleman from Wisconsin (Mr. KLECZKA).

Mr. BLILEY. Mr. Speaker, I rise in strong support of H.R. 3978, the TEA 21 Restoration Act. As you know, Title VII of the TEA 21 conference report contained provisions within the jurisdiction of the Committee on Commerce which reauthorized the National Highway Traffic Safety Administration. Among those provisions was a restriction on the use of funds authorized by the legislation for the lobbying of state and local legislators.

While both the House and Senate conferees intended that the provision apply only to NHTSA, the language ultimately sent to the President inadvertently applied to the entire Department of Transportation. Section 12(a) of H.R. 3978 corrects this drafting error and restores the intent of the conferees.

Mr. Speaker, the Committee on Commerce has no objection to this change, and I support the adoption of this provision.

Mr. PETRI. Mr. Speaker, the bill before us simply makes corrections to inadvertent errors that were contained in the conference report to accompany H.R. 2400, known as the Transportation Equity Act for the 21st Century, which was approved by the Congress on May 22.

This legislation reinstates certain provisions agreed to by the conferees but which, for whatever reason, were not included in the final version. Again, these provisions simply reflect agreements reached by the conferees. In addition, upon review by the Transportation and Infrastructure Committee and the Department of Transportation, certain other inadvertent errors and technical problems have been discovered and the bill before us today will correct these errors.

Congressional approval of the Transportation Equity Act for the 21st Century, known as TEA 21, has already been heralded as one of the landmark achievements of the 105th Congress. Building upon the success of its predecessor, ISTEA, TEA 21 continues our nation's highway, transit and safety programs and will lead us into the 21st Century. Perhaps the most important reform in TEA 21 is that transportation spending will now be linked to the taxes being paid by motorists and deposited into the Highway Trust Fund. In addition, major reforms were made to benefit donor states, with each state being guaranteed at least a 90.5 percent Highway Trust Fund return on apportioned programs and projects.

TEA 21 also included a number of provisions that give states additional opportunity to finance highway projects through the use of tolls. The provisions include a new pilot program that allows tolls on three Interstates requiring major rehabilitation, and a value pricing program which allows up to 15 projects, up to 3 on the Interstates, as part of programs to reduce congestion. New and existing innovative finance programs could likely encourage additional tolls.

Highway user groups, including the American Trucking Associations, the American Automobile Association and the American Highway User Alliance, have expressed concern about the potential impact of additional tolls on their members and the general public. They believe that new tolls will adversely affect interstate commerce and travel by increasing congestion, posing safety problems and increasing air quality problems. These groups also believe that new tolls are really taxes that constitute double taxation of highway users who are already paying the bill for our highways in the form of fuel taxes and registration fees. Recent polls suggest the public may have similar concerns.

As these pilot programs are implemented, we will continue to monitor, through possible hearings and in other ways, the impacts on highway users of these programs as Congress determines what role tolls should play in the future in meeting transportation needs around the country.

The final sentence of Section 4014(c) of TEA 21 allows motor carriers to obtain a driver applicant's motor vehicle record without complying with any requirement to obtain the prior written consent of the applicant that might be imposed by any other provision of federal or state law. This language is intended to address a very limited safety concern for motor carriers who are mandated to obtain such records by the Federal Highway Administration.

Finally, section 1211(n) of TEA 21 makes certain revisions to a Wisconsin Substitute project originally authorized in section 1045 of ISTEA. It is my understanding that, in carrying out this provision, the Governor of Wisconsin will consult with local officials and that the $241 million of Interstate Substitute funds will be spent in the Milwaukee area.

Mr. BARRETT of Wisconsin. Mr. Speaker, with that and with the indulgence of the chairman of the committee, I withdraw my reservation of objection.

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

There was no objection.

The text of H.R. 3978 is as follows:

H.R. 3978

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 ''TEA 21 Restoration Act''.

SEC. 2. AUTHORIZATION AND PROGRAM SUBTITLE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking ''$1,025,695,000'' and inserting ''$1,029,473,500'';

(B) by striking ''$1,398,675,000'' and inserting ''$1,403,827,500'';

(C) by striking ''$1,678,410,000'' the first place it appears and inserting ''$1,684,593,000'';

(D) by striking ''$1,678,410,000'' the second place it appears and inserting ''$1,684,593,000'';

(E) by striking ''$1,771,655,000'' the first place it appears and inserting ''$1,778,181,500''; and

(F) by striking ''$1,771,655,000'' the second place it appears and inserting ''$1,778,181,500''; and

(2) in paragraph (14)—

(A) by striking ''1998'' and inserting ''1999''; and

(B) by inserting before ''$5,000,000'' the following: ''$10,000,000 for fiscal year 1998''.

(b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended—

(A) in paragraph (2) by striking ''$25,431,000,000'' and inserting ''$25,511,000,000'';

(B) in paragraph (3) by striking ''$26,155,000,000'' and inserting ''$26,245,000,000'';

(C) in paragraph (4) by striking ''$26,651,000,000'' and inserting ''$26,761,000,000'';

(D) in paragraph (5) by striking ''$27,235,000,000'' and inserting ''$27,355,000,000''; and

(E) in paragraph (6) by striking ''$27,681,000,000'' and inserting ''$27,811,000,000''.

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking ''3'' and inserting ''5'';

(B) by striking ''VI'' and inserting ''V''; and

(C) by inserting before the period at the end the following: ''; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years''.

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking ''(other than the program under section 160 of title 23, United States Code)''.

(c) APPORTIONMENTS.—Section 1103 of such Act is amended—

(1) in subsection (l) by adding at the end the following:

''(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.'';

(2) in subsection (n) by inserting ''of title 23, United States Code'' after ''206''; and

(3) by adding at the end the following:

''(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

''(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking 'under section 103';

''(2) in subsection (b) (as amended by subsection (b) of this section)—

''(A) in paragraph (1)(A) by striking '1999 through 2003' and inserting '1998 through 2002'; and

''(B) in paragraph (4)(B)(i) by striking 'on lanes on Interstate System' and all that follows through 'in each State' and inserting 'on Interstate System routes open to traffic in each State'; and

''(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking '104, 144, or 157' and inserting '104, 105, or 144'.''.

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

''(1) in subsection (a) by adding at the end the following: 'The minimum amount allocated to a State under this section for a fiscal year shall be $1,000,000.';

''(2) in subsection (c)(1) by striking '50 percent of';

''(3) in subsection (c)(1)(A) by inserting '(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)' after 'subsection (a)';

''(4) in subsection (c)(1)(B) by striking 'all States' and inserting 'each State';

''(5) in subsection (c)(2)—

''(A) by striking 'apportion' and inserting 'administer'; and

''(B) by striking 'apportioned' and inserting 'administered'; and

''(6) in subsection (f)—

''(A) by inserting 'percentage' before 'return' each place it appears;

''(B) in paragraph (2) by striking 'for the preceding fiscal year was equal to or less than' and inserting 'in the table in subsection (b) was equal to'; and

''(C) in paragraph (3)—

''(i) by inserting 'proportionately' before 'adjust';

''(ii) by striking 'set forth'; and

''(iii) by striking 'do not exceed' and inserting 'is equal to'.''.

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

''(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

''(1) by striking subsection (a) and inserting the following:

'(a) IN GENERAL.—

'(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

'(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.';

''(2) in subsections (b)(2) and (b)(4) by striking 'subsection (a)' and inserting 'subsection (a)(1)'; and

''(3) in subsection (c) by striking 'Maintenance program, the' and inserting 'and'.''.

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

''(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

''(1) in subsection (b)—

''(A) by striking '104(b)(5)(B)' and inserting '104(b)(4)'; and

''(B) by striking '104(b)(5)(A)' each place it appears and inserting '104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)'; and

''(2) in subsection (c) by striking '104(b)(5)(B)' each place it appears and inserting '104(b)(4)'.''.

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

(1) by striking ''149(c)'' and inserting ''149(e)''; and

(2) by striking ''that reduce'' and inserting ''reduce''.

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

''(1) in subsection (c)(1) by striking 'April 1' and inserting 'August 1';

''(2) in subsection (c)(3) by inserting 'PRIORITY' after 'FUNDING'; and

''(3) in subsection (c)(3) by inserting 'and prior to funding any other activity under this section,' after '2003,'.''.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(f) CONFORMING AMENDMENTS.—

''(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

''(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking 'to, apply sodium acetate/formate de-icer to,' and inserting ', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions'.

''(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).''.

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

''(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking 'the record of decision' each place it appears and inserting 'a record of decision'.''.

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking ''section 102'' each place it appears and inserting ''section 1101(a)(6)''.

SEC. 3. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

''(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

''(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

''(1) collect and disseminate information concerning historic covered bridges;

''(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

''(3) conduct research on the history of historic covered bridges; and

''(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

''(c) DIRECT FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

''(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

''(A) to rehabilitate or repair a historic covered bridge; and

''(B) to preserve a historic covered bridge, including through—

''(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

''(ii) installation of a system to prevent vandalism and arson; or

''(iii) relocation of a bridge to a preservation site.

''(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

''(A) to the maximum extent practicable, the project—

''(i) is carried out in the most historically appropriate manner; and

''(ii) preserves the existing structure of the historic covered bridge; and

''(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

''(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

''(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

''SEC. 1225. SUBSTITUTE PROJECT.

''(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

''(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

''(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

''(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

''(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

''(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary

shall withdraw approval of the substitute project.

"SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

''(a) ADVANCED CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

''(1) in subsection (b)—

''(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

''(B) by striking 'PROJECTS' and all that follows through 'When a State' and inserting 'PROJECTS.—When a State';

''(C) by striking paragraphs (2) and (3);

''(D) by striking '(A) prior' and inserting '(1) prior'; and

''(E) by striking '(B) the project' and inserting '(2) the project';

''(2) by striking subsection (c); and

''(3) by redesignating subsection (d) as subsection (c).

''(b) AVAILABILITY OF FUNDS.—Section 118 of such title is amended—

''(1) in the subsection heading of subsection (b) by striking '; DISCRETIONARY PROJECTS'; and

''(2) by striking subsection (e) and inserting the following:

'(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.'.''.

''(c) ADVANCES TO STATES.—Section 124 of such title is amended—

''(1) by striking '(a)' the first place it appears; and

''(2) by striking subsection (b).

''(d) DIVERSION.—Section 126 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1222 the following:

''Sec. 1223. Transportation assistance for Olympic cities.

''Sec. 1224. National historic covered bridge preservation.

''Sec. 1225. Substitute project.

''Sec. 1226. Fiscal, administrative, and other amendments.''.

(c) METROPOLITAN PLANNING TECHNICAL ADJUSTMENT.—Section 1203 of such Act is amended by adding at the end the following:

''(o) TECHNICAL ADJUSTMENT.—Section 134(h)(5)(A) of title 23, United States Code (as amended by subsection (h) of this section), is amended by striking 'for implementation'.''.

(d) AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.—Section 1211 of such Act is amended—

(1) in subsection (i)(3)(E) by striking ''subparagraph (D)'' and inserting ''subparagraph (C)'';

(2) in subsection (i) by adding at the end the following:

''(4) TECHNICAL AMENDMENTS.—Section 1105(e)(5)(B)(i) of such Act (as amended by paragraph (3) of this subsection) is amended—

''(A) by striking 'subsection (c)(18)(B)(i)' and inserting 'subsection (c)(18)(D)(i)';

''(B) by striking 'subsection (c)(18)(B)(ii)' and inserting 'subsection (c)(18)(D)(ii)'; and

''(C) by adding at the end the following: 'The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I–86.'.'';

(3) by striking subsection (j);

(4) in subsection (k)—

(A) by striking ''along'' in paragraph (1) and inserting ''from''; and

(B) by adding at the end the following:

''(4) TEXAS STATE HIGHWAY 99.—Texas State Highway 99 (also known as 'Grand Parkway') shall be considered as 1 option in the I–69 route studies performed by the Texas Department of Transportation for the designation of I–69 Bypass in Houston, Texas.''; and

(5) by redesignating subsections (g) through (i) and (k) through (n) as subsections (f) through (h) and (i) through (l), respectively.

(e) MISCELLANEOUS.—Section 1212 of such Act is amended—

(1) in the second sentence of subsection (q)(1) by striking ''advance curriculum'' and inserting ''advanced curriculum'';

(2) in subsection (r)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000.'';

(3) in subsection (s)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $23,000,000 for fiscal year 1999.'';

(4) in subsection (u)—

(A) by inserting ''the Secretary shall approve, and'' before ''the Commonwealth'';

(B) by inserting a comma after ''with''; and

(C) by inserting ''(as redefined by this Act)'' after ''80''; and

(5) by redesignating subsections (k) through (z) as subsections (e) through (t), respectively.

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(3) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

''(A) For purposes of this subsection, such amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206 of title 23, United States Code, for each program funded under such sections in an amount determined by multiplying—

''(i) the aggregate of such amounts for the fiscal year; by

''(ii) the ratio that—

''(I) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

''(II) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

''(B) The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under such section for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

''(C) Subject to subparagraph (B), nothing in this subsection shall be construed as affecting any allocation under section 105 of title 23, United States Code, and any apportionment under sections 104 and 144 of such title.''.

(g) DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 1215 of such Act—

(1) is amended in each of subsections (d), (e), (f), and (g)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.''; and

(2) in subsection (d)(1) by inserting ''on Route 50'' after ''measures''.

(h) ELIGIBILITY.—Section 1217 of such Act is amended—

(1) in subsection (d) by striking ''104(b)(4)'' and inserting ''104(b)(5)(A)'';

(2) in subsection (i) by striking ''120(l)(1)'' and inserting ''120(j)(1)''; and

(3) in subsection (j) by adding at the end the following: ''$3,000,000 of the amounts made available for item 164 of the table contained in section 1602 shall be made available on October 1, 1998, to the Pennsylvania Turnpike Commission to carry out this subsection.''.

(i) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 1218 of such Act is amended by adding at the end the following:

''(c) TECHNICAL AMENDMENTS.—Section 322 of title 23, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (a)(3) by striking 'or under 50 miles per hour';

''(2) in subsection (d)—

''(A) in paragraph (1) by striking 'or low-speed'; and

''(B) in paragraph (2)—

''(i) in subparagraph (A) by striking '(h)(1)(A)' and inserting '(h)(1)'; and

''(ii) in subparagraph (B) by striking '(h)(4)' and inserting '(h)(3)';

''(3) in subsection (h)(1)(B)(i) by inserting '(other than subsection (i))' after 'this section'; and

''(4) by adding at the end the following:

'(i) LOW-SPEED PROJECT.—

'(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

'(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

'(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

'(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

'(i) shall not be available in advance of an annual appropriation; and

'(ii) shall remain available until expended.'.''.

(j) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—Section 1223(f) of such Act is amended by inserting before the period at the end the following: ''or Special Olympics International''.

SEC. 4. RESTORATIONS TO PROGRAM STREAMLINING AND FLEXIBILITY SUBTITLE.

(a) IN GENERAL.—Subtitle C of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

''(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

''(b) SELECTION PROCESS.—

''(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

''(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

''(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

''(1) The intelligent transportation system deployment program under title V.

''(2) The national corridor planning and development program.

''(3) The coordinated border infrastructure and safety program.

''(4) The construction of ferry boats and ferry terminal facilities.

''(5) The national scenic byways program.

''(6) The Interstate discretionary program.

''(7) The discretionary bridge program.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of such Act is amended—

(1) by striking the following:

''Sec. 1309. Major investment study integration.''

and inserting the following:

''Sec. 1308. Major investment study integration.'';

and

(2) by inserting after the item relating to section 1310 the following:

''Sec. 1311. Discretionary grant selection criteria and process.''.

(c) REVIEW PROCESS.—Section 1309 of the Transportation Equity Act for the 21st Century is amended—

(1) in subsection (a)(1) by inserting after ''highway construction'' the following: ''and mass transit'';

(2) in subsection (d) by inserting after ''Code,'' the following: ''or chapter 53 of title 49, United States Code,''; and

(3) in subsection (e)(1)—

(A) by inserting ''or recipient'' after ''a State'';

(B) by inserting after ''provide funds'' the following: ''for a highway project''; and

(C) by inserting after ''Code,'' the following: ''or for a mass transit project made available under chapter 53 of title 49, United States Code,''.

SEC. 5. RESTORATIONS TO SAFETY SUBTITLE.

(a) IN GENERAL.—Subtitle D of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1405. OPEN CONTAINER LAWS.

''(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

'§ 154. Open container requirements

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOLIC BEVERAGE.—The term ''alcoholic beverage'' has the meaning given the term in section 158(c).

'(2) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

'(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term ''open alcoholic beverage container'' means any bottle, can, or other receptacle—

'(A) that contains any amount of alcoholic beverage; and

'(B)(i) that is open or has a broken seal; or

'(ii) the contents of which are partially removed.

'(4) PASSENGER AREA.—The term ''passenger area'' shall have the meaning given the term by the Secretary by regulation.

'(b) OPEN CONTAINER LAWS.—

'(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

'(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

'(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or

'(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

'(c) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

''(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 153 the following:

'154. Open container requirements.'.

"SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

''(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

'§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOL CONCENTRATION.—The term ''alcohol concentration'' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

'(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms ''driving while intoxicated'' and ''driving under the influence'' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

'(3) LICENSE SUSPENSION.—The term ''license suspension'' means the suspension of all driving privileges.

'(4) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

'(5) REPEAT INTOXICATED DRIVER LAW.—The term ''repeat intoxicated driver law'' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

'(A) receive a driver's license suspension for not less than 1 year;

'(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

'(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

'(D) receive—

'(i) in the case of the second offense—

''(I) an assignment of not less than 30 days of community service; or

'(II) not less than 5 days of imprisonment; and

'(ii) in the case of the third or subsequent offense—

'(I) an assignment of not less than 60 days of community service; or

'(II) not less than 10 days of imprisonment.

'(b) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

''(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

'164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.'.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1403 the following:

''Sec. 1404. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

''Sec. 1405. Open container laws.

''Sec. 1406. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.''.

(c) ROADSIDE SAFETY TECHNOLOGIES.—Section 1402(a)(2) of such Act is amended by striking ''directive'' and inserting ''redirective''.

SEC. 6. ELIMINATION OF DUPLICATE PROVISIONS.

(a) SAN MATEO COUNTY, CALIFORNIA.—Section 1113 of the Transportation Equity Act for the 21st Century is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (c) as subsection (d).

(b) VALUE PRICING PILOT PROGRAM.—Section 1216(a) of such Act is amended by adding at the end the following:

''(8) CONFORMING AMENDMENTS.—

''(A) Section 1012(b)(6) of such Act (as amended by paragraph (5) of this subsection) is amended by striking '146(c)' and inserting '102(a)'.

''(B) Section 1012(b)(8) of such Act (as added by paragraph (7) of this subsection) is amended—

''(i) in subparagraph (C) by striking 'under this subsection' and inserting 'to carry out this subsection';

''(ii) in subparagraph (D)—

''(I) by striking 'under this paragraph' and inserting 'to carry out this subsection'; and

''(II) by striking 'by this paragraph' and inserting 'to carry out this subsection';

''(iii) by striking subparagraph (A); and

''(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.''.

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

''(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

''(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

''(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

''(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.''.

(d) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—Section 1214(i) of such Act is amended by striking ''$750,000'' each place it appears and inserting ''$75,000''.

SEC. 7. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (a)(2) by striking '1998' and inserting '1999'; and

''(2) in subsection (c)—

''(A) by striking '1998' and inserting '1999'; and

''(B) by striking the table and inserting the following:

'Fiscal year:	Maximum amount of credit:
1999	$1,600,000,000
2000	$1,800,000,000
2001	$2,200,000,000
2002	$2,400,000,000
2003	$2,600,000,000.'.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in the item relating to section 1119 by striking ''and safety''; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

''Subtitle E—Finance

''CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

''Sec. 1501. Short title.

''Sec. 1502. Findings.

''Sec. 1503. Establishment of program.

''Sec. 1504. Duties of the Secretary.

''CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

''Sec. 1511. State infrastructure bank pilot program.''.

SEC. 8. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

(1) in item 1 by striking ''1.275'' and inserting ''1.7'';

(2) in item 82 by striking ''30.675'' and inserting ''32.4'';

(3) in item 107 by striking ''1.125'' and inserting ''1.44'';

(4) in item 121 by striking ''10.5'' and inserting ''5.0'';

(5) in item 140 by inserting ''-VFHS Center'' after ''Park'';

(6) in item 151 by striking ''5.666'' and inserting ''8.666'';

(7) in item 164—

(A) by inserting '', and $3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)'' after ''Pennsylvania''; and

(B) by striking ''25'' and inserting ''24.78'';

(8) by striking item 166 and inserting the following:

''166.	Michigan	Improve Tenth Street, Port Huron	1.8'';

(9) by striking item 242 and inserting the following:

''242.	Minnesota	Construct Third Street North, CSAH 81, Waite Park and St. Cloud	1.0'';

(10) by striking item 250 and inserting the following:

''250.	Indiana	Reconstruct Old Merridan Corridor from Pennsylvania Avenue to Gilford Road	1.35'';

(11) in item 255 by striking ''2.25'' and inserting ''3.0'';

(12) in item 263 by striking ''Upgrade Highway 99 between State Highway 70 and Lincoln Road, Sutter County'' and inserting ''Upgrade Highway 99, Sutter County'';

(13) in item 288 by striking ''3.75'' and inserting ''5.0'';

(14) in item 290 by striking ''3.5'' and inserting ''3.0'';

(15) in item 345 by striking ''8'' and inserting ''19.4'';

(16) in item 418 by striking ''2'' and inserting ''2.5'';

(17) in item 421 by striking ''11'' and inserting ''6'';

(18) in item 508 by striking ''1.8'' and inserting ''2.4'';

(19) by striking item 525 and inserting the following:

''525.	Alaska	Construct Bradfield Canal Road	1'';

(20) in item 540 by striking ''1.5'' and inserting ''2.0'';

(21) in item 576 by striking ''0.52275'' and inserting ''0.69275'';

(22) in item 588 by striking ''2.5'' and inserting ''3.0'';

(23) in item 591 by striking ''10'' and inserting ''5'';

(24) in item 635 by striking ''1.875'' and inserting ''2.15'';

(25) in item 669 by striking ''3'' and inserting ''3.5'';

(26) in item 702 by striking ''10.5'' and inserting ''10'';

(27) in item 746 by inserting '', and for the purchase of the Block House in Scott County, Virginia'' after ''Forest'';

(28) in item 755 by striking ''1.125'' and inserting ''1.5'';

(29) in item 769 by striking ''Construct new I–95 interchange with Highway 99W, Tehama County'' and inserting ''Construct new I–5 interchange with Highway 99W, Tehama County'';

(30) in item 770 by striking ''1.35'' and inserting ''1.0'';

(31) in item 789 by striking ''2.0625'' and inserting ''1.0'';

(32) in item 803 by striking ''Tomahark'' and inserting ''Tomahawk'';

(33) in item 836 by striking ''Construct'' and all that follows through ''for'' and inserting ''To the National Park Service for construction of the'';

(34) in item 854 by striking ''0.75'' and inserting ''1'';

(35) in item 863 by striking ''9'' and inserting ''4.75'';

(36) in item 887 by striking ''0.75'' and inserting ''3.21'';

(37) in item 891 by striking ''19.5'' and inserting ''25.0'';

(38) in item 902 by striking ''10.5'' and inserting ''14.0'';

(39) by striking item 1065 and inserting the following:

''1065.	Texas	Construct a 4-lane divided highway on Artcraft Road from I–10 to Route 375 in El Paso	5'';

(40) in item 1192 by striking ''24.97725'' and inserting ''24.55725'';

(41) in item 1200 by striking ''Upgrade (all weather) on U.S. 2, U.S. 41, and M 35'' and inserting ''Upgrade (all weather) on Delta County's reroute of U.S. 2, U.S. 41, and M 35'';

(42) in item 1245 by striking ''3'' and inserting ''3.5'';

(43) in item 1271 by striking ''Spur'' and all that follows through ''U.S. 59'' and inserting ''rail-grade separations (Rosenberg Bypass) at U.S. 59(S)'';

(44) in item 1278 by striking ''28.18'' and inserting ''22.0'';

(45) in item 1288 by inserting ''30'' after ''U.S.'';

(46) in item 1338 by striking ''5.5'' and inserting ''3.5'';

(47) in item 1383 by striking ''0.525'' and inserting ''0.35'';

(48) in item 1395 by striking ''Construct'' and all that follows through ''Road'' and inserting ''Upgrade Route 219 between Meyersdale and Somerset'';

(49) in item 1468 by striking ''Reconstruct'' and all that follows through ''U.S. 23'' and inserting ''Conduct engineering and design and improve I–94 in Calhoun and Jackson Counties'';

(50) in item 1474—

(A) by striking ''in Euclid'' and inserting ''and London Road in Cleveland''; and

(B) by striking ''3.75'' and inserting ''8.0'';

(51) in item 1535 by striking ''Stanford'' and inserting ''Stamford'';

(52) in item 1538 by striking ''and Winchester'' and inserting '', Winchester, and Torrington'';

(53) by striking item 1546 and inserting the following:

''1546.	Michigan	Construct Bridge-to-Bay bike path, St. Clair County	0.450'';

(54) by striking item 1549 and inserting the following:

''1549.	New York	Center for Advanced Simulation and Technology, at Dowling College	0.6'';

(55) in item 1663 by striking ''26.5'' and inserting ''27.5'';

(56) in item 1703 by striking ''I–80'' and inserting ''I–180'';

(57) in item 1726 by striking ''I–179'' and inserting ''I–79'';

(58) by striking item 1770 and inserting the following:

''1770.	Virginia	Operate and conduct research on the 'Smart Road' in Blacksburg	6.025'';

(59) in item 1810 by striking ''Construct Rio Rancho Highway'' and inserting ''Northwest Albuquerque/Rio Rancho high priority roads'';

(60) in item 1815 by striking ''High'' and all that follows through ''projects'' and inserting ''Highway and bridge projects that Delaware provides for by law'';

(61) in item 1844 by striking ''Prepare'' and inserting ''Repair'';

(62) by striking item 1850 and inserting the following:

''1850.	Missouri	Resurface and maintain roads located in Missouri State parks	5'';

(63) in item 661 by striking ''SR 800'' and inserting ''SR 78'';

(64) in item 1704 by inserting '', Pittsburgh,'' after ''Road''; and

(65) in item 1710 by inserting '', Bethlehem'' after ''site''.

SEC. 9. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—Section 3003 of the Federal Transit Act of 1998 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Section 5302''; and

(2) by adding at the end the following:

''(b) CONFORMING AMENDMENTS.—Section 5302 (as amended by subsection (a) of this section) is amended in subsection (a)(1)(G)(i) by striking 'daycare and' and inserting 'daycare or'.''.

(b) METROPOLITAN PLANNING.—Section 3004 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking subparagraph (A) and inserting the following:

''(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and'';

(B) in paragraph (3) by striking ''and'' at the end;

(C) in paragraph (4) by striking subparagraph (A) and inserting the following:

''(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and'';

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following:

''(3) in paragraph (4)(A) by striking '(3)' and inserting '(5)'; and'';

(2) in subsection (d) by striking the closing quotation marks and the final period at the end and inserting the following:

'(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

'(6) LAKE TAHOE REGION.—

'(A) DEFINITION.—In this paragraph, the term ''Lake Tahoe region'' has the meaning given the term ''region'' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

'(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

'(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

'(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

'(C) INTERSTATE COMPACT.—

'(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

'(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

'(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

'(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

'(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

'(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

'(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.'.'';

(3) by adding at the end the following:

''(f) TECHNICAL ADJUSTMENTS.—Section 5303(f) is amended—

''(1) in paragraph (1) (as amended by subsection (e)(1) of this subsection)—

''(A) in subparagraph (C) by striking 'and' at the end;

''(B) in subparagraph (D) by striking the period at the end and inserting '; and';

''(C) by adding at the end the following:

'(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation.'; and

''(2) by adding at the end the following:

'(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).'.''.

(c) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 3005 of the Federal Transit Act of 1998 is amended—

(1) in the section heading by inserting ''METROPOLITAN'' before ''TRANSPORTATION''; and

(2) by adding at the end the following:

''(d) TECHNICAL ADJUSTMENTS.—Section 5304 is amended—

''(1) in subsection (a) (as amended by subsection (a) of this section)—

''(A) by striking 'In cooperation with' and inserting the following:

'(1) IN GENERAL.—In cooperation with'; and

''(B) by adding at the end the following:

'(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.';

''(2) in subsection (b)(2)—

''(A) in subparagraph (B) by striking 'and' at the end; and

''(B) in subparagraph (C) (as added by subsection (b) of this section) by striking 'strategies which may include' and inserting the following: 'strategies; and

'(D) may include'; and

''(3) in subsection (c) by striking paragraph (4) (as amended by subsection (c) of this section) and inserting the following:

'(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

'(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

'(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.'.''.

(d) TRANSPORTATION MANAGEMENT AREAS.—Section 3006(d) of the Federal Transit Act of 1998 is amended to read as follows:

''(d) PROJECT SELECTION.—Section 5305(d)(1) is amended to read as follows:

'(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

'(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.'.''.

(e) URBANIZED AREA FORMULA GRANTS.—Section 3007 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(h) TECHNICAL ADJUSTMENTS.—

''(1) GENERAL AUTHORITY.—Section 5307(b) (as amended by subsection (c)(1)(B) of this section) is amended by adding at the end the following: 'The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.'.

''(2) REPORT.—Section 5307(k)(3) (as amended by subsection (f) of this section) is amended by inserting 'preceding' before 'fiscal year'.''.

(f) CLEAN FUELS FORMULA GRANT PROGRAM.—Section 3008 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 5308(e)(2) (as added by subsection (a) of this section) is amended by striking '$50,000,000' and inserting '35 percent'.''.

(g) CAPITAL INVESTMENT GRANTS AND LOANS.—Section 3009 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(k) TECHNICAL ADJUSTMENTS.—

''(1) CRITERIA.—Section 5309(e) (as amended by subsection (e) of this section) is amended—

''(A) in paragraph (3)(C) by striking 'urban' and inserting 'suburban';

''(B) in the second sentence of paragraph (6) by striking 'or not' and all that follows through ', based' and inserting 'or ''not recommended'', based'; and

''(C) in the last sentence of paragraph (6) by inserting 'of the' before 'criteria established'.

''(2) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) (as amended by subsection (f) of this section) is amended in paragraph (4) by striking '5338(a)' and all that follows through '2003' and inserting '5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems'.

''(3) ALLOCATING AMOUNTS.—Section 5309(m) (as amended by subsection (g) of this section) is amended—

''(A) in paragraph (1) by inserting '(b)' after '5338';

''(B) by striking paragraph (2) and inserting the following:

'(2) NEW FIXED GUIDEWAY GRANTS.—

'(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND

CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

'(B) FUNDING FOR FERRY BOAT SYSTEMS.—

'(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

'(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.';

''(C) by redesignating paragraph (4) as paragraph (3)(C);

''(D) in paragraph (3) by adding at the end the following:

'(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.';

''(E) by striking paragraph (5); and

''(F) by inserting after paragraph (3) the following:

'(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.'.''.

(h) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Section 3009(h)(3) of the Federal Transit Act of 1998 is amended—

(1) by striking ''and'' at the end of subparagraph (A)(ii);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

''(C) in section 5328(a)(4) by striking 'section 5309(m)(2) of this title' and inserting '5309(o)(1)'; and

''(D) in section 5309(n)(2) by striking 'in a way' and inserting 'in a manner'.''.

(i) DOLLAR VALUE OF MOBILITY IMPROVEMENTS.—Section 3010(b)(2) of the Federal Transit Act of 1998 is amended by striking ''Secretary'' and inserting ''Comptroller General''.

(j) INTELLIGENT TRANSPORTATION SYSTEM APPLICATIONS.—Section 3012 of the Federal Transit Act of 1998 is amended by moving paragraph (3) of subsection (a) to the end of subsection (b) and by redesignating such paragraph (3) as paragraph (4).

(k) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c)(2) by adding at the end the following: ''Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.''; and

(2) by adding at the end the following:

''(d) TRAINING AND CURRICULUM DEVELOPMENT.—

''(1) IN GENERAL.—Any funds made available by section 5338(e)(2)(C)(iii) of title 49, United States Code, shall be available in equal amounts for transportation research, training, and curriculum development at institutions identified in subparagraphs (E) and (F) of section 5505(j)(3) of such title.

''(2) SPECIAL RULE.—If the institutions identified in paragraph (1) are selected pursuant to 5505(i)(3)(B) of such title in fiscal year 2002 or 2003, the funds made available to carry out this subsection shall be available to those institutions to carry out the activities required pursuant to section 5505(i)(3)(B) of such title for that fiscal year.''.

(l) NATIONAL TRANSIT INSTITUTE.—Section 3017(a) of the Federal Transit Act of 1998 is amended to read as follows:

''(a) IN GENERAL.—Section 5315 is amended—

''(1) in the section heading by striking '**mass transportation** and inserting '**transit**';

''(2) in subsection (a)—

''(A) by striking 'mass transportation' in the first sentence and inserting 'transit';

''(B) in paragraph (5) by inserting 'and architectural design' before the semicolon at the end;

''(C) in paragraph (7) by striking 'carrying out' and inserting 'delivering';

''(D) in paragraph (11) by inserting ', construction management, insurance, and risk management' before the semicolon at the end;

''(E) in paragraph (13) by striking 'and' at the end;

''(F) in paragraph (14) by striking the period at the end and inserting a semicolon; and

''(G) by adding at the end the following:

'(15) innovative finance; and

'(16) workplace safety.'.''.

(m) PILOT PROGRAM.—Section 3021(a) of the Federal Transit Act of 1998 is amended by inserting ''single-State'' before ''pilot program''.

(n) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 3022 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(b) CONFORMING AMENDMENT.—Section 5325(b) (as redesignated by subsection (a)(2) of this section) is amended—

''(1) by inserting 'or requirement' after 'A contract'; and

''(2) by inserting before the last sentence the following: 'When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.'.''.

(o) CONFORMING AMENDMENT.—Section 3027 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c) by striking ''600,000'' each place it appears and inserting ''900,000''; and

(2) by adding at the end the following:

''(d) CONFORMING AMENDMENT.—The item relating to section 5336 in the table of sections for chapter 53 is amended by striking 'block grants' and inserting 'formula grants'.''.

(p) APPORTIONMENT FOR FIXED GUIDEWAY MODERNIZATION.—Section 3028 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) CONFORMING AMENDMENTS.—Section 5337(a) (as amended by subsection (a) of this section) is amended—

''(1) in paragraph (2)(B) by striking '(e)' and inserting '(e)(1)';

''(2) in paragraph (3)(D)—

''(A) by striking '(ii)'; and

''(B) by striking '(e)' and inserting '(e)(1)';

''(3) in paragraph (4) by striking '(e)' and inserting '(e)(1)';

''(4) in paragraph (5)(A) by striking '(e)' and inserting '(e)(2)';

''(5) in paragraph (5)(B) by striking '(e)' and inserting '(e)(2)';

''(6) in paragraph (6) by striking '(e)' each place it appears and inserting '(e)(2)'; and

''(7) in paragraph (7) by striking '(e)' each place it appears and inserting '(e)(2)'.''.

(q) AUTHORIZATIONS.—Section 3029 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 5338 (as amended by subsection (a) of this section) is amended—

''(1) in subsection (c)(2)(A)(i) by striking '$43,200,000' and inserting '$42,200,000';

''(2) in subsection (c)(2)(A)(ii) by striking '$46,400,000' and inserting '$48,400,000';

''(3) in subsection (c)(2)(A)(iii) by striking '$51,200,000' and inserting '$50,200,000';

''(4) in subsection (c)(2)(A)(iv) by striking '$52,800,000' and inserting '$53,800,000';

''(5) in subsection (c)(2)(A)(v) by striking '$57,600,000' and inserting '$58,600,000';

''(6) in subsection (d)(2)(C)(iii) by inserting before the semicolon ', including not more than $1,000,000 shall be available to carry out section 5315(a)(16)';

''(7) in subsection (e)—

''(A) by striking '5317(b)' each place it appears and inserting '5505';

''(B) in paragraph (1) by striking 'There are' and inserting 'Subject to paragraph (2)(C), there are';

''(C) in paragraph (2)—

''(i) in subparagraph (A) by striking 'There shall' and inserting 'Subject to subparagraph (C), there shall';

''(ii) in subparagraph (B) by striking 'In addition' and inserting 'Subject to subparagraph (C), in addition'; and

''(iii) by adding at the end the following:

'(C) FUNDING OF CENTERS.—

'(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year—

'(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

'(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

'(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

'(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

'(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

'(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998.'; and

''(D) by adding at the end the following:

'(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.';

''(8) in subsection (g)(2) by striking '(c)(2)(B),' and all that follows through '(f)(2)(B),' and inserting '(c)(1), (c)(2)(B), (d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B),';

''(9) in subsection (h) by inserting 'under the Transportation Discretionary Spending Guarantee for the Mass Transit Category' after 'through (f)'; and

''(10) in subsection (h)(5) by striking subparagraphs (A) through (E) and inserting the following:

'(A) for fiscal year 1999 $400,000,000;

'(B) for fiscal year 2000 $410,000,000;

'(C) for fiscal year 2001 $420,000,000;

'(D) for fiscal year 2002 $430,000,000; and

'(E) for fiscal year 2003 $430,000,000;'.''.

(r) PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—Section 3030 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)—

(A) in paragraph (8) by inserting ''North-'' before ''South'';

(B) in paragraph (42) by striking ''Maryland'' and inserting ''Baltimore'';

(C) in paragraph (103) by striking ''busway'' and inserting ''Boulevard transitway'';

(D) in paragraph (106) by inserting ''CTA'' before ''Douglas'';

(E) by striking paragraph (108) and inserting the following:

''(108) Greater Albuquerque Mass Transit Project.''; and

(F) by adding at the end the following:

''(109) Hartford City Light Rail Connection to Central Business District.

''(110) Providence–Boston Commuter Rail.

''(111) New York–St. George's Ferry Intermodal Terminal.

''(112) New York–Midtown West Ferry Terminal.

''(113) Pinellas County–Mobility Initiative Project.

''(114) Atlanta–MARTA Extension (S. DeKalb-Lindbergh).'';

(2) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

''(2) Sioux City–Light Rail.'';

(B) by striking paragraph (40) and inserting the following:

''(40) Santa Fe–El Dorado Rail Link.'';

(C) by striking paragraph (44) and inserting the following:

''(44) Albuquerque–High Capacity Corridor.'';

(D) by striking paragraph (53) and inserting the following:

''(53) San Jacinto–Branch Line (Riverside County).''; and

(E) by adding at the end the following:

''(69) Chicago–Northwest Rail Transit Corridor.

''(70) Vermont–Burlington-Essex Commuter Rail.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i) by inserting ''(even if the project is not listed in subsection (a) or (b))'' before the colon;

(ii) by striking clause (ii) and inserting the following:

''(ii) San Diego Mission Valley and Mid-Coast Corridor, $325,000,000.'';

(iii) by striking clause (v) and inserting the following:

''(v) Hartford City Light Rail Connection to Central Business District, $33,000,000.'';

(iv) by striking clause (xxiii) and inserting the following:

''(xxiii) Kansas City–I-35 Commuter Rail, $30,000,000.'';

(v) in clause (xxxii) by striking ''Whitehall Ferry Terminal'' and inserting ''Staten Island Ferry-Whitehall Intermodal Terminal'';

(vi) by striking clause (xxxv) and inserting the following:

''(xxxv) New York–Midtown West Ferry Terminal, $16,300,000.'';

(vii) in clause (xxxix) by striking ''Allegheny County'' and inserting ''Pittsburgh'';

(viii) by striking clause (xvi) and inserting the following:

''(xvi) Northeast Indianapolis Corridor, $10,000,000.'';

(ix) by striking clause (xxix) and inserting the following:

''(xxix) Greater Albuquerque Mass Transit Project, $90,000,000.'';

(x) by striking clause (xliii) and inserting the following:

''(xliii) Providence–Boston Commuter Rail, $10,000,000.'';

(xi) by striking clause (xlix) and inserting the following:

''(xlix) SEATAC–Personal Rapid Transit, $40,000,000.''; and

(xii) by striking clause (li) and inserting the following:

''(li) Dallas-Ft. Worth RAILTRAN (Phase-II), $12,000,000.'';

(B) by striking the heading for subsection (c)(2) and inserting ''ADDITIONAL AMOUNTS''; and

(C) in paragraph (3) by inserting after the first sentence the following: ''The project shall also be exempted from all requirements relating to criteria for grants and loans for fixed guideway systems under section 5309(e) of such title and from regulations required under that section.''.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3030(e) of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(4) TECHNICAL ADJUSTMENT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by paragraph (3)(B) of this subsection) is amended—

''(A) by striking 'of the West Shore Line' and inserting 'or the West Shore Line'; and

''(B) by striking 'directly connected to' and all that follows through 'Newark International Airport' the first place it appears.''.

(t) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS.—Section 3030 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(h) TECHNICAL ADJUSTMENT.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) (as amended by subsection (g)(1)(C) of this section) is amended by inserting after 'expenditure of' the following: 'section 5309 funds to the aggregate expenditure of'.''.

(u) BUS PROJECTS.—Section 3031 of the Federal Transit Act of 1998 is amended—

(1) in the table contained in subsection (a)—

(A) by striking item 64;

(B) in item 69 by striking ''Rensslear'' each place it appears and inserting ''Rensselaer'';

(C) in item 103 by striking ''facilities and''; and

(D) by striking item 150;

(2) by striking the heading for subsection (b) and inserting ''ADDITIONAL AMOUNTS'';

(3) in subsection (b) by inserting after ''2000'' the first place it appears ''with funds made available under section 5338(h)(6) of such title''; and

(4) in item 2 of the table contained in subsection (b) by striking ''Rensslear'' each place it appears and inserting ''Rensselaer''.

(v) CONTRACTING OUT STUDY.—Section 3032 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a) by striking ''3'' and inserting ''6'';

(2) in subsection (d) by striking ''the Mass Transit Account of the Highway Trust Fund'' and inserting ''funds made available under section 5338(f)(2) of title 49, United States Code,'';

(3) in subsection (d) by striking ''1998'' and inserting ''1999''; and

(4) in subsection (e) by striking ''subsection (c)'' and inserting ''subsection (d)''.

(w) JOB ACCESS AND REVERSE COMMUTE GRANTS.—Section 3037 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)(4)(A)—

(A) by inserting ''designated recipients under section 5307(a)(2) of title 49, United States Code,'' after ''from among''; and

(B) by inserting a comma after ''and agencies'';

(2) in subsection (b)(4)(B)—

(A) by striking ''at least'' and inserting ''less than'';

(B) by inserting ''designated recipients under section 5307(a)(2) of title 49, United States Code,'' after ''from among''; and

(C) by inserting ''and agencies,'' after ''authorities'';

(3) in subsection (f)(2)—

(A) by striking ''(including bicycling)''; and

(B) by inserting ''(including bicycling)'' after ''additional services'';

(4) in subsection (h)(2)(B) by striking ''403(a)(5)(C)(ii)'' and inserting ''403(a)(5)(C)(vi)'';

(5) in the heading for subsection (l)(1)(C) by striking ''FROM THE GENERAL FUND'';

(6) in subsection (l)(1)(C) by inserting ''under the Transportation Discretionary Spending Guarantee for the Mass Transit Category'' after ''(B)''; and

(7) in subsection (l)(3)(B) by striking ''at least'' and inserting ''less than''.

(x) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)(1)(A) by inserting before the semicolon ''or connecting 1 or more rural communities with an urban area not in close proximity'';

(2) in subsection (g)(1)—

(A) by inserting ''over-the-road buses used substantially or exclusively in'' after ''operators of''; and

(B) by inserting at the end the following: ''Such sums shall remain available until expended.''; and

(3) in subsection (g)(2)—

(A) by striking ''each of''; and

(B) by adding at the end the following: ''Such sums shall remain available until expended.''.

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

(1) in paragraph (1) by striking ''in order to carry'' and inserting ''assist in carrying''; and

(2) by adding at the end the following:

''(3) DEFINITION.—For purposes of this subsection, the term 'Federal land management agencies' means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.''.

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) $5,797,000,000 in fiscal year 2000;''; and

(2) in paragraph (4) by striking ''$6,746,000,000'' and inserting ''$6,747,000,000''.

SEC. 10. MOTOR CARRIER SAFETY TECHNICAL CORRECTION.

Section 4011 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(h) TECHNICAL AMENDMENTS.—Section 31314 (as amended by subsection (g) of this section) is amended—

''(1) in subsections (a) and (b) by striking '(3), and (5)' each place it appears and inserting '(3), and (4)'; and

''(2) by striking subsection (d).''.

SEC. 11. RESTORATIONS TO RESEARCH TITLE.

(a) UNIVERSITY TRANSPORTATION RESEARCH FUNDING.—Section 5001(a)(7) of the Transportation Equity Act for the 21st Century is amended—

(1) by striking ''$31,150,000'' each place it appears and inserting ''$25,650,000'';

(2) by striking ''$32,750,000'' each place it appears and inserting ''$27,250,000''; and

(3) by striking ''$32,000,000'' each place it appears and inserting ''$26,500,000''.

(b) OBLIGATION CEILING.—Section 5002 of such Act is amended by striking ''$403,150,000'' and all that follows through ''$468,000,000'' and inserting ''$397,650,000 for fiscal year 1998, $403,650,000 for fiscal year 1999, $422,450,000 for fiscal year 2000, $437,250,000 for fiscal year 2001, $447,500,000 for fiscal year 2002, and $462,500,000''.

(c) USE OF FUNDS FOR ITS.—Section 5210 of the Transportation Equity Act for the 21st

Century is amended by adding at the end the following:

''(d) USE OF INNOVATIVE FINANCING.—

''(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

''(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.''.

(d) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5110 of such Act is amended by adding at the end the following:

''(d) TECHNICAL ADJUSTMENTS.—Section 5505 of title 49, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (g)(2) by striking 'section 5506,' and inserting 'section 508 of title 23, United States Code,';

''(2) in subsection (i)—

''(A) by inserting 'Subject to section 5338(e):' after '(i) NUMBER AND AMOUNT OF GRANTS.—'; and

''(B) by striking 'institutions' each place it appears and inserting 'institutions or groups of institutions'; and

''(3) in subsection (j)(4)(B) by striking 'on behalf of' and all that follows before the period and inserting 'on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College'.''.

(e) TECHNICAL CORRECTIONS.—Section 5115 of such Act is amended—

(1) in subsection (a) by striking ''Director'' and inserting ''Director of the Bureau of Transportation Statistics'';

(2) in subsection (b) by striking ''Bureau'' and inserting ''Bureau of Transportation Statistics,''; and

(3) in subsection (c) by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(f) CORRECTIONS TO CERTAIN OKLAHOMA PROJECTS.—Section 5116 of such Act is amended—

(1) in subsection (e)(2) by striking ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002''; and

(2) in subsection (f)(2) by striking ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002'' and inserting ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001''.

(g) INTELLIGENT TRANSPORTATION INFRASTRUCTURE REFERENCE.—Section 5117(b)(3)(B)(ii) of such Act is amended by striking ''local departments of transportation'' and inserting ''the Department of Transportation''.

(h) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—Section 5117(b)(5)(B) of such Act is amended—

(1) by striking ''1999'' and inserting ''1998''; and

(2) by striking ''$3,000,000 per fiscal year'' and inserting ''$1,000,000 for fiscal year 1998 and $3,000,000 for each of fiscal years 1999 through 2003''.

SEC. 12. AUTOMOBILE SAFETY AND INFORMATION.

(a) REFERENCE.—Section 7104 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(c) CONFORMING AMENDMENT.—Section 30105(a) of title 49, United States Code (as amended by subsection (a) of this section), is amended by inserting after 'Secretary' the following: 'for the National Highway Traffic Safety Administration'.''.

(b) CLEAN VESSEL ACT FUNDING.—Section 7403 of such Act is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Section 4(b)''; and

(2) by adding at the end the following:

''(b) TECHNICAL AMENDMENT.—Section 4(b)(3)(B) of the 1950 Act (as amended by subsection (a) of this section) is amended by striking '6404(d)' and inserting '7404(d)'.''.

(c) BOATING INFRASTRUCTURE.—Section 7404(b) of such Act is amended by striking ''6402'' and inserting ''7402''.

SEC. 13. TECHNICAL CORRECTIONS REGARDING SUBTITLE A OF TITLE VIII.

(a) AMENDMENT TO OFFSETTING ADJUSTMENT FOR DISCRETIONARY SPENDING LIMIT.—Section 8101(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (1) by striking ''$25,173,000,000'' and inserting ''$25,144,000,000''; and

(2) in paragraph (2) by striking ''$26,045,000,000'' and inserting ''$26,009,000,000''.

(b) AMENDMENTS FOR HIGHWAY CATEGORY.—Section 8101 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(f) TECHNICAL AMENDMENTS.—Section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by subsection (c) of this Act) is amended—

''(1) by striking 'Century and' and inserting 'Century or';

''(2) by striking 'as amended by this section,' and inserting 'as amended by the Transportation Equity Act for the 21st Century,'; and

''(3) by adding at the end the following new flush sentence:

'Such term also refers to the Washington Metropolitan Transit Authority account (69-1128-0-1-401) only for fiscal year 1999 only for appropriations provided pursuant to authorizations contained in section 14 of Public Law 96–184 and Public Law 101–551.'.''.

(c) TECHNICAL AMENDMENT.—Section 8102 of the Transportation Equity Act for the 21st Century is amended by inserting before the period at the end the following: ''or from section 1102 of this Act''.

SEC. 14. CORRECTIONS TO VETERANS SUBTITLE.

(a) TOBACCO-RELATED ILLNESSES IN VETERANS.—Section 8202 of the Transportation Equity Act for the 21st Century is amended to read as follows (and the amendments made by that section as originally enacted shall be treated for all purposes as not having been made):

''SEC. 8202. TREATMENT OF TOBACCO-RELATED ILLNESSES OF VETERANS.

''(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by inserting after section 1102 the following new section:

'§ 1103. Special provisions relating to claims based upon effects of tobacco products

'(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in the line of duty in the active military, naval, or air service for purposes of this title on the basis that it resulted from injury or disease attributable to the use of tobacco products by the veteran during the veteran's service.

'(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which is otherwise shown to have been incurred or aggravated in active military, naval, or air service or which became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.'.

''(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1102 the following new item:

'1103. Special provisions relating to claims based upon effects of tobacco products.'.

''(b) EFFECTIVE DATE.—Section 1103 of title 38, United States Code, as added by subsection (a), shall apply with respect to claims received by the Secretary of Veterans Affairs after the date of the enactment of this Act.''.

(b) GI BILL EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS OF VETERANS.—Subtitle B of title VIII of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new section:

''SEC. 8210. TWENTY PERCENT INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

''(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 of title 38, United States Code, is amended—

''(1) in subsection (a)(1)—

''(A) by striking out '$404' and inserting in lieu thereof '$485';

''(B) by striking out '$304' and inserting in lieu thereof '$365'; and

''(C) by striking out '$202' and inserting in lieu thereof '$242';

''(2) in subsection (a)(2), by striking out '$404' and inserting in lieu thereof '$485';

''(3) in subsection (b), by striking out '$404' and inserting in lieu thereof '$485'; and

''(4) in subsection (c)(2)—

''(A) by striking out '$327' and inserting in lieu thereof '$392';

''(B) by striking out '$245' and inserting in lieu thereof '$294'; and

''(C) by striking out '$163' and inserting in lieu thereof '$196'.

''(b) CORRESPONDENCE COURSE.—Section 3534(b) of such title is amended by striking out '$404' and inserting in lieu thereof '$485'.

''(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of such title is amended—

''(1) by striking out '$404' and inserting in lieu thereof '$485';

''(2) by striking out '$127' each place it appears and inserting in lieu thereof '$152'; and

''(3) by striking out '$13.46' and inserting in lieu thereof '$16.16'.

''(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of such title is amended—

''(1) by striking out '$294' and inserting in lieu thereof '$353';

''(2) by striking out '$220' and inserting in lieu thereof '$264';

''(3) by striking out '$146' and inserting in lieu thereof '$175'; and

''(4) by striking out '$73' and inserting in lieu thereof '$88'.

''(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998.''.

SEC. 15. TECHNICAL CORRECTIONS REGARDING TITLE IX.

(a) HIGHWAY TRUST FUND.—Subsection (f) of section 9002 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new paragraphs:

''(4) The last sentence of section 9503(c)(1), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(5) Paragraph (3) of section 9503(e), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century'

and inserting 'the date of the enactment of the TEA 21 Restoration Act'.''.

(b) BOAT SAFETY ACCOUNT AND SPORT FISH RESTORATION ACCOUNT.—Section 9005 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new subsection:

''(f) CLERICAL AMENDMENTS.—

''(1) Subparagraph (A) of section 9504(b)(2), as amended by subsection (b)(1), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(2) Subparagraph (B) of section 9504(b)(2), as added by subsection (b)(3), is amended by striking 'such Act' and inserting 'the TEA 21 Restoration Act'.

''(3) Subparagraph (C) of section 9504(b)(2), as amended by subsection (b)(2) and redesignated by subsection (b)(3), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(4) Subsection (c) of section 9504, as amended by subsection (c)(2), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.''.

SEC. 16. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this Act shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this Act shall be treated as not being enacted.

The SPEAKER pro tempore. Without objection, the bill is passed.

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. 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. 3978, the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS AUTHORIZATION ACT OF 1998

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3504) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

The Clerk read as follows:

H.R. 3504

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 ''John F. Kennedy Center for the Performing Arts Authorization Act of 1998''.

SEC. 2. CAPITAL REPAIR DUTIES.

Section 4(a)(1)(G) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(1)(G)) is amended to read as follows:

''(G) with respect to the building and site of the John F. Kennedy Center for the Performing Arts, plan, design, and construct each capital repair, replacement, improvement, rehabilitation, alteration, or modification necessary to maintain the functionality of the building and site at current standards of life, safety, security, and accessibility;''.

SEC. 3. OPERATION AND MAINTENANCE DUTIES.

Section 4(a)(1)(H)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(1)(H)(ii)) is amended to read as follows:

''(ii) with respect to the building and site of the John F. Kennedy Center for the Performing Arts, all necessary maintenance, repair, and alteration of, and all janitorial, security, and other services and equipment necessary for the operations of, the building and site, in a manner consistent with requirements for high quality operations; and''.

SEC. 4. REPEAL OF AUDIT REQUIREMENT.

Section 6 of the John F. Kennedy Center Act (20 U.S.C. 76l) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

''(1) $13,000,000 for fiscal year 1999;

''(2) $14,000,000 for each of fiscal years 2000 and 2001; and

''(3) $15,000,000 for each of fiscal years 2002 and 2003.

''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

''(1) $20,000,000 for each of fiscal years 1999, 2000, and 2001;

''(2) $19,000,000 for fiscal year 2002; and

''(3) $17,000,000 for fiscal year 2003.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, H.R. 3504, as amended, the John F. Kennedy Center for the Performing Arts Authorization Act of 1998, authorizes appropriations for operations, maintenance, security, and capital improvements and repair of the facility through the year 2003. In addition, the bill provides further criteria for defining capital repair and operation and maintenance.

The bill provides authorization of $59 million for operations, maintenance, security; and $87 million for capital improvements.

Initially the bill provided for an 11-year authorization. However, it was amended in committee to limit the authorization of appropriations to a 5-year period, and further to eliminate the requirement for the General Accounting Office to conduct periodic audits of the financial operations of the Center. Why? Because the Center performs annual audits which fulfill entirely the original statutory mandates anyway.

Mr. Speaker, the John F. Kennedy Center for the Performing Arts is a national Presidential monument and a living memorial. H.R. 3504 ensures that the Center remains a living memorial to the late President.

When Congress designated the National Cultural Center as the John F. Kennedy Center for the Performing Arts in 1964, it set a policy of the presentation of classical and contemporary music, opera, drama, dance and other performing arts from the United States and other countries.

The act directed the board of trustees to promote and maintain the Kennedy Center as the National Center for Performing Arts by developing a leadership role in national performing arts education policy and programs, including developing and presenting original and innovative performing arts and educational programs for children, youth, families, adults and educators.

The Kennedy Center was also charged with the responsibility of initiating, developing and maintaining a program for national and community outreach for the arts. These responsibilities are in addition to the responsibility of maintaining a memorial to President Kennedy.

I am pleased to say the board has achieved these objectives through successful fund-raising to support the performing arts and the prudent expenditure of Federal funds to operate, maintain and improve the building. The legislation before us today will continue the work begun in 1991 to upgrade, improve and maintain the 1.5 million square foot facility.

Since its opening in 1971, the facility has exceeded all expectations in visitor attendance. Today the Kennedy Center attracts 3.5 million visitors annually. This is in addition to the 1.7 million children who attend the 2,800 performances held annually at the Center.

The building is a blend of modern architecture and functional requirements. This 1.5 million square foot structure houses 8 theaters, 3 restaurants, 3 foyers, parking for 1,450 vehicles, and 23 elevators, 6 escalators, office space, rehearsal rooms, and 2,000

doors, all requiring some form of security. Originally constructed at the cost of $78 million, the replacement value of the Kennedy Center today in today's dollars is estimated at $500 million.

For over two decades the building received minimal care. The roof leaked, the facade was crumbling, systems were wearing out. The Park Service and Kennedy Center could not communicate on priorities for needed repair.

In 1994 Congress transferred the responsibilities of the care and maintenance to the board of the Kennedy Center and provided a steady stream of funding to repair, maintain, secure and improve the building. This legislation directed the board to develop and submit to Congress a comprehensive building plan for capital improvement programs. That plan was submitted, and annual updates have been submitted as well.

The authorization for capital repair for the next 5 years will allow the Center to undertake a major renovation to the Opera House and related facilities called the central block. This will include reconfiguration to the Opera House to allow for full accessibility, and improved life and fire safety features. Improvements to the mezzanine level of the foyers will include the addition of eating facilities. Office space, rehearsal rooms and related space will also be renovated.

Mr. Speaker, this legislation enjoys the support of both sides of the aisle in Congress, as well as the administration and the Kennedy Center.

In closing, I want to pay particular tribute to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) members of the board of trustees who also cosponsored this legislation, and who have taken a personal interest in ensuring the Kennedy Center remains on track through this massive building renovation program.

I support H.R. 3504 and urge my colleagues to support the measure.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the tremendous gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding this time to me, and I thank the chairman and the ranking member for their prompt and diligent work on this bill that would indeed give to what I think every Member recognizes as a national treasure funds necessary for its upkeep, maintenance and security.

Mr. Speaker, this bill passed our committee by a voice vote not only because it is noncontroversial but because it involves an institution that has the support of the Nation and the great respect and gratitude of the Nation.

If there has been anything controversial about the Kennedy Center, it has been its maintenance and security. To the credit of this body, the Congress in 1991 transferred its maintenance and upkeep from the Park Service to the Board of the Kennedy Center. The Park Service was miscast in this role and, of course, with all that it has to do, could not fulfill that role in the way we expect it. What we now expect in this bill is that necessary maintenance and security matters will be upgraded.

For example, the ADA provisions which now need to be fully recognized and implemented will be taken care of by this bill.

Mr. Speaker, this is a facility built in 1971. We are coming onto 30 years old. Its upkeep and maintenance becomes more and more important when we recognize that it has become a more and more popular facility for all of our constituents and people around the world to visit.

I must say that the Kennedy Center has been wonderfully innovative in its outreach to the American people, and I am sure every Member of this body and of the other body are grateful for the way in which it has become a truly national institution.

As for those of us fortunate enough to live in the District of Columbia, we have formed an increasing working partnership with the Kennedy Center. Most recently, we have begun to talk with the Kennedy Center about a specific relationship to the Duke Ellington School of the Arts; and those talks and that partnership would be uniquely promising; and I would hope ultimately for the support for this body on that matter.

Meanwhile, this bill simply assures that the Kennedy Center will be in good repair and will be secure when 25 million Americans and people from around the world visit the Nation's Capital and when so many of them believe they simply cannot leave without visiting the Kennedy Center.

Mr. Speaker, I thank the gentleman for having yielded this time to me.

Mr. KIM. Mr. Speaker, I do not have any other speakers at this time.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR) our ranking member, who probably did not get the credit he deserved on the recent BESTEA bill.

I want to thank him as one of his members of the committee and thank him for the job he has done at the Kennedy Center because his fingerprints are on every improvement possibly since I have been in Congress for 14 years, and they certainly are in this bill, and we are glad to take his leadership.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) the former chairman of the Subcommittee on Public Buildings and Economic Development for those kind remarks. I thank the gentlewoman from the District of Columbia for her strong advocacy for the Kennedy Center and the chairman, the gentleman from California (Mr. KIM) for leading the way on this reauthorization and bringing it to the floor so expeditiously.

The gentleman from Pennsylvania (Mr. SHUSTER) and I both serve on the Board of Trustees of the Kennedy Center and have participated very actively and vigorously in the deliberation of the Board on the improvements that have been made and will continue to be made under the 5-year reauthorization.

Literally, the activities authorized under this bill will transform the Kennedy Center into the vision of a national, vital Center for the performing arts, far beyond its already outstanding accomplishments. It will make the Center more accessible and available to the general public, will bring a wide variety of new activities and life to the Center's public spaces. Work already has been completed on replacement of the roof at the various levels, replacing of the roof terrace and repairs to the planters.

Next to come are security improvements. Sad to say, we have to think about security at the Kennedy Center as one of the most visible and public centers in our Nation's capital but one that also is an inviting target for terrorists, and a very extensive security analysis has been completed. The authorization will allow for a centrally controlled security system, door access controls for the building, the garage and for sight monitoring and better access that will move traffic in a continuous flow through the Center, access for people buying tickets so that there will be no stoppage of traffic and invitation for opportunity for terrorist activities.

Site work will include new signs, modification to the plaza circulation pattern and improved landscaping to preserve the good-neighbor spirit of the Kennedy Center with its nearby neighbors.

The comprehensive building plan has been established around a series of remedial actions to improve the many building deficiencies and make the interior space more attractive and more user friendly.

In the future, visitors to the Center who come to the two principal halls will be excited about the new level of activities, the new opportunities, I should say, and the many activities that will be offered at different levels of the Center halls. It will be much more friendly to users of the Kennedy Center, to the visitors, more opportunity for food and for relaxation of the guests. It just is going to make this whole Kennedy Center come alive.

And I really compliment President Larry Wilker for the splendid job he has done in developing the improvements that we have been discussing in this reauthorization bill as well as his important work as the artistic director at the Kennedy Center and bringing so many high-level performances to the Center and for his initiative with the

Millennium Stage that has opened the great hall of the Kennedy Center to the public every day at 6 o'clock for free performances. This makes the Kennedy Center truly a people's center for cultural activities and for the performing arts in all of their exciting and stimulating manner.

I only wish that all of us in this Chamber could have more time to partake of those cultural activities rather than being locked up here in session late night after late night so that we, too, could be enlivened and enriched by the many offerings of the Kennedy Center.

Again, I want to thank the gentleman from Ohio for his persistent leadership over many, many years on issues involving the Kennedy Center. His fingerprints, too, are on all the building improvements and innovations that have come about at the Center, and I thank him for his vigilance, and I thank the gentleman from California (Mr. KIM) for his splendid participation and partnership in this great endeavor.

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

Mr. Speaker, I want to once again thank the ranking member and our chairman, the gentleman from Minnesota (Mr. OBERSTAR) for his work with the Kennedy Center on an ongoing basis in all areas and the gentleman from Pennsylvania (Mr. SHUSTER) the chairman of the committee who works very well. Both the ranking member and the chairman at the top of this committee work well.

I want to thank the gentleman from California (Mr. KIM). I want to thank Mr. KIM for his contributions on this legislation, and I want to thank him for his friendship and, understanding that he had not experienced well in the election, we will miss him. I want to compliment him for the hard job that he has done and how he has addressed himself to details, and I want to thank him for his bipartisanship and his attitude and spirit in doing that.

With that, I would like to say this: I think President of the Kennedy Center Larry Wilker deserves a lot of credit. I believe the Kennedy Center right now does not look as good as it should as the focal point of arts, theater and culture in America. Quite frankly, when one goes by the building it is not all that it should be. We must make it all that it should be.

Now the Kennedy Center asked and Mr. Wilker proposed a long 11-year program; and, quite frankly, he was looking at long-range scenarios to affect those goals.

We particularly felt at the subcommittee/committee level that we should maybe take a couple bites of that apple, and we made a 5-year restriction in here, but that could be addressed. We want the Kennedy Center people to know that did not fall on deaf ears and that will be looked at in the upcoming Congress, and an extension of that is very possible considering the type of activity that they are involved in.

But this is our treasure. This is the focal point. And ladies and gentlemen of Congress, when we go around this beautiful city and see all these great monuments, the Kennedy Center is simply not all it should be. It must become everything that it is possible of being.

I will, furthermore, like to see in years to come, envision a day where there may be three, four, or maybe five or six regional satellite Kennedy Centers operated by the Kennedy Center that takes it closer to all of our people so they do not have to come all the way down here to the Nation's capital.

But, in any regard, I want to thank the gentleman from California (Mr. KIM), thank the committee. I want to thank Rick Barnett and Susan Brita of our staff.

And, with that, I ask for an aye vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3504, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. 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, H.R. 3504, as amended.

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

There was no objection.

CARL D. PURSELL POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3808) to designate the United States Post Office located at 47526 Clipper Drive in Plymouth, Michigan, as the ''Carl D. Pursell Post Office,'' as amended.

The Clerk read as follows:

H.R. 3808

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

SECTION 1. DESIGNATION.

The United States Post Office located at 47526 Clipper in Plymouth, Michigan, shall be known and designated as the ''Carl D. Pursell Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the ''Carl D. Pursell Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 3808, a bill to designate the United States Post Office located at 47526 Clipper Drive in Plymouth, Michigan, was introduced by the gentleman from Michigan (Mr. UPTON) on May 7, 1998, and was originally cosponsored by the entire Michigan State delegation which is pursuant to full committee policy.

Mr. Speaker, this legislation is unanimously amended by the Committee on Government Reform and Oversight to correct the address to 47526 Clipper, creating the deletion of the word Drive pursuant to information that was received from the Postal Service.

Mr. Speaker, H.R. 3808 represents a former Member of this body, Representative Carl D. Pursell, who was elected to the 95th Congress and was reelected to represent the Second Congressional District of Michigan for seven succeeding terms from 1977 through 1992.

Born in Imlay City, Michigan, in his home State, after receiving his bachelor's degree from Eastern Michigan University he served in the United States Army for 2 years and then earned his master's degree. He then went on to a long and distinguished career in public service and, as I have mentioned already, coming to this House for an equally distinguished term.

Currently, Mr. Pursell resides in Plymouth, Michigan, where he has been for his entire life; and I think most importantly, Mr. Speaker, he and the contributions that he has made to his community, to his State and, ultimately, to his Nation compile the kind of record that I think certainly merits this kind of designation.

We do have several Members here today from the Michigan State delegation to whom I will eventually yield time. I know we will have more particular comments upon this man and his life and his service, and we are all looking forward to that.

But, for the moment, Mr. Speaker, I reserve the balance of my time.

□ 1445

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

Mr. Speaker, let me first of all thank the gentleman from New York (Mr. MCHUGH) who, throughout his service as chairman of this very important subcommittee, has extended every courtesy to those of us on the Democratic side of the aisle. I would like to thank the gentleman.

I would also like to rise in support of H.R. 3808, offered by another of my colleagues, one who I serve on the Committee on Education and Workforce

with, the gentleman from Michigan (Mr. UPTON).

Mr. Speaker, I would like to say, obviously we fully support the naming of this postal facility on behalf of a former colleague who served for more than a decade and a half as a distinguished Member of the United States Congress, and especially since the gentleman served prior to that as a member of the State Senate in Michigan, and I, as a member of the State Senate in Pennsylvania, have a certain affection for people who come to the House from important roles in our State legislative bodies. I want to also recognize his contributions and service on the Committee on Appropriations.

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

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

Mr. Speaker, let me return the kind words of the ranking member. It has been on these bills, as well as all business before the subcommittee, my honor and pleasure to work with the gentleman and the members of the minority side. They come to this subcommittee with only the best of intentions, and I do think it makes for, perhaps not unique, but certainly a very enjoyable experience that is reflected in these three bills.

Mr. Speaker, I yield three minutes to the gentleman from Michigan (Mr. UPTON), the main sponsor of this legislation.

Mr. UPTON. Mr. Speaker, this was an easy bill for me to introduce, and it was cosponsored by every single member, Republican and Democrat, of the Michigan delegation.

Carl Pursell served in this House from 1977 to 1993, and the post office we are naming today is in fact very close to Carl's home in Plymouth, Michigan. Carl served in the Army, he was a businessman, he was an elected official, both at the county level as well as a State senator, and he and his wife, Peg, a teacher in Plymouth, have lived in Plymouth virtually all their life.

I got to know Carl as a member of his softball team when I was a staffer on the Hill back in the seventies, and I got to know him quite a bit more when I served at the Office of Management and Budget, as Carl Pursell was a founder of the Gypsy Moths.

The Gypsy Moths, this was a Republican group, certainly a distinct minority, Republicans were, back in the early eighties, but they led the way to forging bipartisan cooperation and agreements with the other side of the aisle and were able to pursue Ronald Reagan's successful agenda that passed here in the 1980's.

Carl Pursell served as ranking member on the Subcommittee on Labor-HHS of the Committee on Appropriations. The chairman of that subcommittee, Mr. Natcher, he and Carl were very committed to education and health research, and helped maneuver those bills through law, and impacted millions and millions of Americans through this House floor.

Carl Pursell deeply cared about the budget deficit. In fact, through his work in the 92 Group and others, he worked on a freeze budget, freezing outlays, no more than inflation, and his budget, in fact, failed in the House by only one vote, as I recall. Had that budget passed back in the eighties, we would have gotten a balanced budget long before today.

In 1992, Michigan lost two Congressional seats because of redistricting. Sadly, Carl Pursell's was one of those. Yes, he could have run in another part of his old district, but he would have had to move from his residence and his community of Plymouth, Michigan, and he decided that he would stay.

Always a competitor, Carl Pursell, whether it be on a tennis court or rooting for the Detroit Tigers, thank goodness for the Detroit Red Wings, he now serves on Eastern Michigan's board and coaches kids' soccer in Plymouth, where he was, in fact, earlier this afternoon. Only he and Ebeneezer Pennimon, who served as a Whig in this House from 1851 to 1852, have ever served in the Congress hailing from Plymouth, Michigan.

This Federal facility is deserving of his fine name through his excellent public service, and I would urge all of my colleagues to respect Carl Pursell and to vote ''yes'' on this bill later this afternoon.

Mr. MCHUGH. Mr. Speaker, I yield three minutes to the gentleman from Michigan (Mr. CAMP).

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

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I want to second the remarks of my good friend, the gentleman from Michigan (Mr. UPTON), and rise in support of H.R. 3808, the bill to name the United States Post Office in Plymouth, Michigan, after our former colleague, Carl D. Pursell.

The gentleman from Michigan (Mr. UPTON) spoke about Carl's leadership, particularly to bring Congress to its fiscal senses, but I want to speak about him on just a personal note. He was a leader within our delegation. He took great personal interest in the committee assignments Members received and their ability to get started in the Congress. It was his intellect and I think his experience with people, serving at different levels of government, teaching, publishing, as a State senator, and then in Congress on the Committee on Appropriations, but it was that leadership quality that he had, that ability to work with people, certainly his sense of humor, that brought us together and made us a more effective delegation here in Washington.

So it is with great honor that I rise to support this legislation. I think it is a fitting tribute to our colleague. Without redistricting, I am sure he would be serving here today in the Congress. We miss him very much.

Mr. MCHUGH. Mr. Speaker, I yield three minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I want to thank the chairman, the gentleman from New York (Mr. MCHUGH) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for being down here for what we consider a very large, extraordinary Michigan moment, and I rise in strong support of H.R. 3808.

Carl Pursell is a lifelong Michigan resident. He served, as you probably caught from my colleagues, eight terms in this body. He was a friend of mine. I sought his counsel, in fact, on a very important matter because I represent part of his district. The gentleman from Michigan (Mr. UPTON) spoke to the fact that he lost out in some reapportionment matter in 1992, and so I am very familiar with not just Carl Pursell but also his constituents.

From his position on the Committee on Appropriations, Carl utilized his experience as a former educator to become a national leader on education. As the ranking member on the Subcommittee on Education of the Committee on Education and the Workforce, Carl was instrumental in improving the quality of the local schools in the district and making the University of Michigan one of the premier institutions of higher learning in this country. He also was responsible for securing funding that enabled Madonna University, which is a private college in my district, to offer a degree program for interpreters for the hearing-impaired.

Prior to being elected to Congress in 1976, Carl served, as I believe my colleague mentioned also, on the Wayne County Board of Commissioners and in the Michigan State Senate. His dedication to public service was second to none, and his accomplishments, I believe, reflect the commitment and tireless effort he put into his work as a legislator.

As has been mentioned, he currently resides in Plymouth, Michigan with his wife Peggy, and is making a difference in that community even today by serving on the Eastern Michigan University Board of Regents.

I want to commend the gentleman from Michigan (Mr. UPTON) for introducing this bill to designate the United States Post Office located at Clipper Drive in Plymouth as the Carl D. Pursell Post Office. Carl was responsible for securing the funding to build this post office, and I believe it is only appropriate that it bear his name.

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

Mr. Speaker, with a final thanks to my friend, the gentleman from Pennsylvania (Mr. FATTAH), and the staff who worked on this, I would urge my colleagues all to join in supporting this very worthy piece of legislation.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion

offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3808, as amended.

The question was taken.

Mr. MCHUGH. 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. MCHUGH. 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. 3808.

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

There was no objection.

STEVEN SCHIFF POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3630) to redesignate the facility of the United States Postal Service located at 9719 Candelaria Road NE. in Albuquerque, New Mexico, as the ''Steven Schiff Post Office,'' as amended.

The Clerk read as follows:

H.R. 3630

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 9719 Candelaria Road NE. in Albuquerque, New Mexico, and known as the Eldorado Station Post Office, shall be known and designated as the ''Steven Schiff Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''Steven Schiff Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

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

Mr. Speaker, H.R. 3630, honoring our late colleague, Steven Schiff of New Mexico, was introduced by the chairman of the full committee, the gentleman from Indiana (Mr. BURTON) on April 1, 1998. Pursuant to the policy of the Committee on Government Reform and Oversight, the legislation is indeed cosponsored by all the Members of the New Mexico delegation, although the sponsor himself is from Indiana.

It is a fitting tribute to Steve, as all of us knew him better, that the chairman of the committee on which he served with dedication and concern for issues, would sponsor this legislation as an outgoing tribute to his memory.

The legislation in fact redesignates the facility of the United States Postal Service located at 9719 Candelaria Road NE., in Albuquerque, New Mexico, as the ''Steven Schiff Post Office.'' The Committee on Government Reform and Oversight amended the bill to read ''Steve Schiff,'' as I mentioned, the name by which many more of us knew him, known as Steve, of course, by his friends, his family and his constituents, and the name change was suggested indeed by Mrs. Schiff, and was unanimously accepted by his colleagues on the committee on which Steve served with distinction.

Steven Harvey Schiff was born in the great City of Chicago. He earned his undergraduate degree from the University of Illinois, but moved to earn his law degree from the University of New Mexico Law School. He was admitted to the bar and stayed in New Mexico to become the assistant district attorney of Bernalillo County for two years. He then became a trial attorney, but returned to public service as an assistant city attorney, counsel for the Albuquerque Police Department, and district attorney for his county for eight years.

Steve earned the reputation of being tough on crime and going by the book. He served in the New Mexico Air National Guard and was an Air Force Reserve Colonel. During the Persian Gulf crisis in 1991, Steve performed legal duties, such as drafting wills for military reservists. In 1996 he served for several days in the Bosnia theater as a judge advocate general involved in international legal matters.

Steve Schiff was elected by the First District of New Mexico to the 101st Congress, and to three succeeding Congresses. He succeeded a gentleman who left the house after 20 years and became Secretary of Interior under President Bush.

Steve was a member of several committees during his service in the House: The Committee on Standards of Official Conduct; the Committee on the Judiciary, on which he served as Vice Chair of the Subcommittee on Crime; the Committee on Science, on which he served as Chairman of the Subcommittee on Basic Research; and, as I have mentioned, the Committee on Government Reform and Oversight.

□ 1500

Steve will be remembered as a Member who voted his conscience. He sponsored legislation and asked questions that were not always popular, though his tough stands and his caring spirit made him very popular himself on both sides of the aisle by Members and staff.

We have the honor of having before us today, Mr. Speaker, two bills, this and the prior one considered, who are bestowing honors on gentlemen that are still fresh in the memories of many of the Members of this House.

Having served with Steve, I can say he was always what was good about this House, always what was good about this Congress, a man who cared only about his constituents and what was best for his country. It is with a great deal of honor that I ask my colleagues to join with me today in supporting this bill in honor of Steve Schiff.

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

Mr. FATTAH. Mr. Speaker, utilizing whatever time I may consume, let me, first of all, join in support of H.R. 3630, which would name an appropriate facility in New Mexico after our former colleague. As someone who serves on the House Ethics Committee and also had an opportunity to serve with Congressman Schiff on the Committee on Government Reform and Oversight, I would like to offer my personal condolences to his wife of some 29 years and also for the rest of his immediate and extended family.

His service, not only in this Congress as one of some 12,000 or so Americans who have served in this body but in the Armed Forces and as someone who is deeply committed to a whole host of principles, it was the 1998 American Almanac of American Politics in which it said that he was a person who followed what was right, irrespective of the politics of the moment. I think that that best exemplifies the colleague that we all knew and understood to be someone who we could respect for his independence here in the House.

Mr. Speaker, I would like to join in the favorable consideration and hopefully unanimous consideration of this naming bill after someone who has not only served but served this institution with dignity. We have the finest postal service in the world, and we want to also take a minute to utilize the opportunity to name some of these facilities after some of the finest people that we know.

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

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, it is perfectly responsible for the House to name a building after one of our most respected Members. Steve Schiff would be on anyone's bipartisan list of the five most respected Members in the House of Representatives. He was a workhorse. He was diligent. He was thoughtful. Above all, he was wise.

I served with him when we were in the minority in the 103rd Congress, and he was the ranking member on a subcommittee of the Committee on Government Operations and in the 104th and 105th Congress, where he was active on the Committee on Government Reform and Oversight.

Steve was an inspiring person, even though he was a very quiet person. He did his work. He came prepared. He asked the intelligent question that went to the very core of the issue. That skill probably came from background as a prosecutor. He could get to the core matter and get the evidence that

was needed by an investigating committee.

When he passed away after the serious illness that he had for the last year or so, every person I knew in this House used the very words I have used to describe Steve. I know all of us will unanimously approve this legislation so that his name will be on that building as long as the United States Postal Service exists, which is hopefully going to be a very long time.

Mr. FATTAH. Mr. Speaker, I yield whatever time he may want to utilize to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in support of this piece of legislation. As the gentleman from California (Mr. HORN) has just suggested, I think anybody who worked with Steve Schiff would use the same kind of words.

I sat with him on the Ethics Committee and watched him deal with matters affecting Members on both sides of the aisle. Steve always kept his eye on the view that he wanted to know what was right, what was the situation and how should it be remedied. It did not make any difference to him who it was. He was fair beyond what I think we see very often in this House.

I think that one of the things that is missing, Steve had a great sense of humor. When we were into some kind of tight spot in the Ethics Committee, he could always come up with a joke or some sort of wry phrase that would take the tension out of the situation.

In many ways, he was the finest example of what people should expect from Members of Congress. I think it is a real honor that we can give this honor to him today and to his family.

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

Mr. MCHUGH. Mr. Speaker, I have no further requests for time either. And with final urging to honor as a unanimous body the deeds and the life of a great American and a fine human being, I urge my colleagues to support this bill.

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 York (Mr. MCHUGH) that the House suspend the rules and pass the bill H.R. 3630, as amended.

The question was taken.

Mr. MCHUGH. 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. MCHUGH. 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, H.R. 3630.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1891

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1891.

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

There was no objection.

NANCY B. JEFFERSON POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2798) 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.''

The Clerk read as follows:

H.R. 2798

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

SECTION 1. REDESIGNATION.

The building of the United States Postal Service located at 2419 West Monroe Street, in Chicago, Illinois, and known as the Midwest Post Office Building, shall be known and designated as the ''Nancy B. Jefferson Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Nancy B. Jefferson Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

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

Mr. Speaker, H.R. 2798 was introduced by the gentleman from Illinois (Mr. DAVIS), our distinguished colleague, who, indeed, serves on the Subcommittee on the Postal Service of the Committee on Government Reform and Oversight.

The legislation was introduced November 4, 1997, and enjoys the cosponsorship of the entire House delegation from that State as pursuant to the policy of the full committee.

H.R. 2798 redesignates 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.

Mr. Speaker, I know that the gentleman from Illinois (Mr. DAVIS) is here, and I certainly look forward to his comments, and I am sure he will detail what is a very interesting and, I think, a very admirable life. But I would simply note that many times when we come to the floor of this House to extend this honor, the bills are brought on behalf of individuals who are known to their communities but often on a more wide basis as well.

The first two examples today, fully meritorious, of course, but did provide the opportunity to honor two gentlemen who, through their really unselfish actions in this House, were known way beyond the borders of their home communities.

We have before us today in these last two bills the opportunity to honor people who, perhaps, were not known over a wide geographic area but who made remarkable impacts in their communities, people who I think really do embody the spirit of this great country and tell the tale in many ways about how America has become the greatest democracy that the world has ever known.

Nancy Jefferson was a community organizer, one who is affectionately known as the Mother of the West Side. She led the fight to ensure equal rights for all people, the disabled, welfare recipients, single parents, the widowed, and the poor.

As I know we will hear, she acted from the time she overcame rather impressive obstacles as a young girl to her later years in public service some amazing challenges to be, in the lives of many, an inspiration and truly the kind of person, I think, that this House can be proud in bestowing the honor of a postal naming upon.

I have a great deal of pride and I thank the gentleman from Illinois (Mr. DAVIS) for allowing us to share in this moment.

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

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

Mr. Speaker, let me again thank the chairman of the subcommittee for his cooperation in these matters. H.R. 2798 is a naming bill that should enjoy the unanimous support of this House, for it does in such a very real way represent the naming of a facility in honor of someone who has improved the life chances of so many through her work and through her actions as a community organizer.

I want to use the time that I will exercise here really to thank the gentleman from Illinois (Mr. DAVIS), my colleague, for bringing this matter to our attention; for it was through his extraordinary leadership and persistence that the House now today will consider this naming bill and the one that will follow.

It is, as the chairman mentioned, quite easy sometimes for us to proceed along a course when we are naming a facility after someone who all of us know or whose work that we are all familiar with, but the gentleman from Illinois (Mr. DAVIS), serving as the representative of the people of the Chicago and of the West Side, really worked tirelessly to have our committee act on this bill.

Mr. Speaker, I yield whatever time that may be necessary to the gentleman from Illinois (Mr. DAVIS) for him to express the importance of this legislation prior to the House's final action on it.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I would like to take this moment to express my appreciation to the gentleman from New York (Mr. MCHUGH), the subcommittee chairman, and to the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, not only for the outstanding work that they do with this committee but also for yielding time to me.

Mr. Speaker, I rise today to pay tribute to a heroine, a great ''shero'' in my district, Ms. Nancy B. Jefferson, who meant a great deal to the City of Chicago and to the State of Illinois.

Prior to her death on October 18, 1992, Nancy B. Jefferson was recognized as one of the premier grassroots community organizers in the Nation. She served as president and chief executive officer of the Midwest Community Council, a nonprofit grassroots community organization for more than 25 years.

She spent a lifetime helping others. She became a friend to the friendless and provided hope for the hopeless, which led to her being affectionately called the Mother Theresa of the West Side.

While serving as CEO of the Midwest Community Council, Ms. Jefferson led efforts to ensure equal rights and equal protection and equal justice for all people.

Her extensive exposure to social concerns as a nurse in a West Side clinic compelled her to do something about the ills of a community. She served as a champion for welfare recipients, the disabled, the poor, single parents, and those who were disenfranchised.

She dreamed of a day where the least and the left out of society would have a voice and adequate representation. To that end, she put together a network of more than 100 block clubs where there was not only an exchange of ideas but support for spiritual and physical development of the community.

□ 1515

She sought to rebuild and transform decaying and dying communities. She developed several social service programs which are currently in place, including the Chicago Parent Union, and Crime and Parent Intervention.

Her commitment, dedication, and zeal for excellence netted her an appointment to the Chicago Police Board by former Mayor Jane Byrne. Governor Jim Edgar saw her talents and appointed her to the Illinois Human Rights Commission in 1990. She was also a confidante of the late Mayor Harold Washington.

She was, indeed, an individual who walked with kings and queens but never lost the common touch. She left a legacy that raised standards and ensured that the poor had equal rights and equal opportunity. Hers was a light that shines bright with the words that there was hope, even in the midst of hopelessness.

She was the essence of what democracy is all about. I am delighted to have introduced this bill to name a United States post office in her honor.

Mr. Speaker, I again thank the gentleman from New York (Mr. MCHUGH) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. Speaker, it should be clear that, along with the rules and precedents set by our subcommittee, that this has been a piece of legislation that has been jointly cosponsored by all of the members of the Illinois delegation.

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

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

Mr. Speaker, I would, first of all, note the addition to my comment about Mother Teresa. I think that is even more appropriate, although certainly the accolade of being a mother to a community is high praise, indeed. But that even, it seems to me, reflects more clearly the high regard, the respect and admiration that this community held this great woman in. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2798.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. 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. 2798.

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

There was no objection.

RETURN TO HOUSE AFTER MEDICAL LEAVE

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

Mr. BATEMAN. Mr. Speaker, I come to the well of the House to make what is, at least for me, a very happy announcement. The announcement is that I have ended the medical leave of absence that has prevented me from participating in the normal activities of the House.

To my colleagues and so many others who since my surgery on April 17 have remembered me in their prayers and expressed their concern for my recovery, I wish to say, thank you. Your prayers have been answered. The medical prognosis is that when I have fully recovered from the lung surgery, my pulmonary and cardiovascular systems should be stronger than before I entered the hospital and that no further medical treatment is needed. For this, I am truly blessed and deeply grateful.

I would like to express my appreciation to our attending physician, Dr. John Eisold; to a remarkable thoracic surgeon, Dr. Edward Zech, and his staff at the National Naval Medical Center in Bethesda, Maryland; to Dr. David Ferguson, a cardiologist on the staff of the National Naval Medical Center; and to Dr. William Harris and his staff, who treated me at Riverside Hospital in my hometown of Newport News, Virginia.

Mr. Speaker, I am pleased to rejoin my colleagues of the House and to more fully share in the work of the people's House.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, while on medical leave of absence, I missed the following votes. Had I been present, I would have voted as follows:

Rollcall votes: 100—Yea; 101—Yea; 102—Nay; 103—Nay; 104—Nay; 105—Nay; 106—Nay; 107—Yea; 108—Yea; 109—Nay; 110—Yea; 111—Yea; 112—Yea; 113—Nay; 114—Yea; 115—Nay; 116—Yea; 117—Yea; 118—Nay; and 119—Yea.

120—Yea; 121—Yea; 122—Nay; 123—Nay; 124—Nay; 125—Yea; 126—Yea; 127—Yea; 128—Yea; 129—Yea; 130—Yea; 131—Yea; 132—Nay; 133—Yea; 134—Yea; 135—Yea; 136—Nay; 137—Nay; 138—Yea; 139—Yea; 140—Yea; 141—Yea; 142—Yea; 143—Yea; 144—Yea; 145—Yea; 146—Nay; and 147—Nay.

148—Yea; 149—Yea; 150—Yea; 151—Yea; 152—Nay; 153—Yea; 154—Yea; 155—Nay; 156—Nay; 157—Nay; 158—Nay; 159—Nay; 160—Yea; 161—Yea; 162—Yea; 163—Yea; 164—Yea; 165—Yea; 166—Yea; 167—Yea; 168—Yea; 169—Yea; 170—Yea; 171—Nay; 172—Yea; 173—Yea; 174—Yea; and 175—Yea.

176—Yea; 177—Yea; 178—Yea; 179—Yea; 180—Nay; 181—Yea; 182—Nay; 183—Yea; 184—Nay; 185—Nay; 186—Yea; 187—Nay; 188—Nay; 189—Yea; 190—Yea; 191—Yea; and 192—Yea.

REVEREND MILTON R. BRUNSON POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2799) 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.''

The Clerk read as follows:

H.R. 2799

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

SECTION 1. REDESIGNATION.

The building of the United States Postal Service located at 324 South Laramie Street, in Chicago, Illinois, and known as the Austin Post Office Building, shall be known and designated as the ''Reverend Milton R. Brunson Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Reverend Milton R. Brunson Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

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

Mr. Speaker, H.R. 2799, a bill that redesignates 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, was also introduced by our distinguished colleague, the gentleman from Illinois (Mr. DAVIS) on November 4, 1997, and cosponsored by each member of the Illinois delegation, which is pursuant to the policy of the full committee.

Once again, as with H.R. 2798, Mr. Speaker, the gentleman from Illinois (Mr. DAVIS) reminds us all that it is not just appropriate but in many ways the duty of this House to recognize people who make a difference in the lives of people and make a difference in the quality of life and fortunes of their community.

Indeed, H.R. 2799 honors such a man. Mr. Milton R. Brunson was the founder of the Thompson Community Singers and guided them for 48 years. These singers indeed became well known around the world for gospel music. In fact, in 1995, Mr. Brunson and the Choir won a Grammy Award for the song entitled ''Through God's Eyes.''

He used the voice of his gospel not just to bring the word of God, although that is certainly the most important outcome of that type of activity, but, as well, to provide positive role models for others to help them to become productive citizens.

In fact, many of the members of the Thompson Community Singers have become lawyers and judges and teachers and doctors. So through this gentleman's work he made a difference not only in the lives of those who he touched but the lives that those good people went on to touch after him.

Here again, as with the previous bill, I want to extend my appreciation particularly to the gentleman from Illinois (Mr. DAVIS) for reminding us that this House can indeed, through these kinds of honors, recognize truly extraordinary people.

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

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

Mr. Speaker, I also join in support of H.R. 2799. The naming of this postal facility in Chicago is also quite important.

One might wonder why the United States Congress would take time to go through the process of naming postal facilities after Americans. But I think, as the chairman has mentioned, there are people among us who have risen above the ordinary and achieved extraordinary accomplishments and achievements in their lives and, even beyond that, have made a contribution to the broader community and to the country as a whole.

In this case, I refer to Reverend Milton Brunson for his work and the inspiration that he has brought through the gospel singing, and not only his recognition with a Grammy Award but his comforting of really millions of American families through their opportunity to listen to his work and his words in song.

I would like to thank my colleague again, the gentleman from Illinois (Mr. DAVIS), who has been quite persistent in making sure that this subcommittee appropriately recognizes people who have made these types of contributions in his community and has been eager to find the time within the House's schedule in which both the subcommittee and full committee and now the House could act on these bills. This is quite important to the people that he represents, and he has done a very good job in making sure that our committee understands its role in helping him achieve his purpose here in the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS), to give the House a full understanding of the importance of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. FATTAH) for yielding time to me, and I also thank the gentleman from New York (Mr. MCHUGH).

Mr. Speaker, I am pleased to have introduced this bill in honor of the late Milton R. Brunson. Reverend Brunson was born and raised in Chicago and served as pastor and music director of the 2,500-member Christ Tabernacle Baptist Church until his death last year. He was dynamic, energetic, and a leader in the African American and world community for nearly half a century.

Reverend Brunson was a giant in the music world. He and his choir, the Thompson Community Singers, became known from the West Side of Chicago all the way to Europe and around the world. As a matter of fact, they just recently returned from a concert tour in Italy.

It is often said that the measure of one's life is in the number of lives he or she touches in a positive way. Reverend Brunson touched thousands of lives through his ministry and music. His was a ministry of resurrection and restoration. He refused to quit, for even in his congregation and the community at large he saw great hope and untapped potential.

In 1948, he founded the Thompson Community Singers, which he used as a tool to get people to dream beyond their circumstances. He guided the Thompson Community Singers for 48 years; and throughout that time, as we have heard, he and the group were nominated for several Grammies and had several albums reach number one on the gospel charts. In 1995, Reverend Brunson and his choir won a Grammy award for ''Through God's Eyes.''

In order to be a member of the choir, he set strict standards. One could not be a gang member, a drug user, or high school dropout. He set high standards, and thus his choir turned out members who would go on to become lawyers, doctors, teachers, judges, and gospel singers, as well as other productive citizens in society.

The Choir's famous gospel alumni include Jesse Dixon, Ethel Holloway, Delores Stamps, his wife, Jo Ann Brunson, and the great Rickey Dilliard, among others.

His positive message through his gospel music continues to reach and uplift millions of people even from the grave. Although Reverend Brunson is not with us today, his legacy continues to live, and his commitment to positive values lives on. The words that he preached and sang echo in the hearts of men and women even today.

Therefore, I am honored to have introduced this bill, and I am even honored that members of the community from which he came, students from the South Loop school, are present in the audience. I am pleased to have them here with us this afternoon.

I want to again thank the gentleman from New York (Mr. MCHUGH), the chairman, and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. Speaker, I want to thank Denise Wilson from my staff and Neil Snyder for their work on these and other matters related to the Subcommittee on Postal Service, and also, again, to the majority staff. It is not yet perfect, but nonetheless, I think all would agree that we have the best Postal Service anywhere in the world, and we are working through the good efforts of our chairman and others to improve it even beyond its present status.

I want to thank all of the staff for their efforts on these bills and others.

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

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

Mr. Speaker, I echo the words of the ranking member when he praises the staff, Heea Vazirani-Fales, Robert Taub, and others who have worked so hard, as the gentleman from Pennsylvania (Mr. FATTAH) suggested, to really

bring these very worthy initiatives to the floor. I appreciate their support and their effort.

Mr. Speaker, I urge our colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2799.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. 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, H.R. 2799.

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

There was no objection.

□ 1530

RELIGIOUS LIBERTY AND CHARITABLE DONATION PROTECTION ACT OF 1998

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2604) to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2604

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 ''Religious Liberty and Charitable Donation Protection Act of 1998''.

SEC. 2. DEFINITIONS.

Section 548(d) of title 11, United States Code, is amended by adding at the end the following:

''(3) In this section, the term 'charitable contribution' means a charitable contribution, as that term is defined in section 170(c) of the Internal Revenue Code of 1986, if that contribution—

''(A) is made by a natural person; and

''(B) consists of—

''(i) a financial instrument (as that term is defined in section 731(c)(2)(C) of the Internal Revenue Code of 1986); or

''(ii) cash.

''(4) In this section, the term 'qualified religious or charitable entity or organization' means—

''(A) an entity described in section 170(c)(1) of the Internal Revenue Code of 1986; or

''(B) an entity or organization described in section 170(c)(2) of the Internal Revenue Code of 1986.''.

SEC. 3. TREATMENT OF PRE-PETITION QUALIFIED CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 548(a) of title 11, United States Code, is amended—

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

(2) by striking ''(1) made'' and inserting ''(A) made'';

(3) by striking ''(2)(A)'' and inserting ''(B)(i);

(4) by striking ''(B)(i)'' and inserting ''(ii)(I)'';

(5) by striking ''(ii) was'' and inserting ''(II) was'';

(6) by striking ''(iii)'' and inserting ''(III)''; and

(7) by adding at the end the following:

''(2) A transfer of a charitable contribution to a qualified religious or charitable entity or organization shall not be considered to be a transfer covered under paragraph (1)(B) in any case in which—

''(A) the amount of that contribution does not exceed 15 percent of the gross annual income of the debtor for the year in which the transfer of the contribution is made; or

''(B) the contribution made by a debtor exceeded the percentage amount of gross annual income specified in subparagraph (A), if the transfer was consistent with the practices of the debtor in making charitable contributions.''.

(b) TRUSTEE AS LIEN CREDITOR AND AS SUCCESSOR TO CERTAIN CREDITORS AND PURCHASERS.—Section 544(b) of title 11, United States Code, is amended—

(1) by striking ''(b) The trustee'' and inserting ''(b)(1) Except as provided in paragraph (2), the trustee''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to a transfer of a charitable contribution (as that term is defined in section 548(d)(3)) that is not covered under section 548(a)(1)(B), by reason of section 548(a)(2). Any claim by any person to recover a transferred contribution described in the preceding sentence under Federal or State law in a Federal or State court shall be preempted by the commencement of the case.''.

(c) CONFORMING AMENDMENTS.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''; and

(B) by striking ''548(a)(1)'' and inserting ''548(a)(1)(A)'';

(2) in subsection (f)—

(A) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''; and

(B) by striking ''548(a)(1)'' and inserting ''548(a)(1)(A)''; and

(3) in subsection (g)—

(A) by striking ''section 548(a)(1)'' each place it appears and inserting ''section 548(a)(1)(A)''; and

(B) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''.

SEC. 4. TREATMENT OF POST-PETITION CHARITABLE CONTRIBUTIONS.

(a) CONFIRMATION OF PLAN.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting before the semicolon the following: '', including charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of the gross income of the debtor for the year in which the contributions are made''.

(b) DISMISSAL.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following: ''In making a determination whether to dismiss a case under this section, the court may not take into consideration whether a debtor has made, or continues to make, charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to any qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)).''.

SEC. 5. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any case brought under an applicable provision of title 11, United States Code, that is pending or commenced on or after the date of enactment of this Act.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in the amendments made by this Act is intended to limit the applicability of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2002bb et seq.).

The SPEAKER pro tempore (Mr. PEASE). 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 bill 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.

Mr. Speaker, I urge adoption of this legislation and wish to set the stage for some of the comments that we will hear during the debate on this measure.

This issue was brought to our attention by the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from California (Mr. PACKARD) on two separate pieces of legislation that dealt with the same issue. Their legislative efforts came from different angles and from different perspectives, but the ultimate purpose was the same: to try to rectify a situation in which a contributor to a charitable organization, for the purpose of our hypothetical say to a church organization, makes a contribution, he subsequently files for bankruptcy, and a decision is made by the bankruptcy court and direction is given to the bankruptcy trustee to recover that amount paid by contribution to the church because it came within a certain period of time and, therefore, was not subject to be clear of the bankruptcy laws. So now we have the strange situation of a bankruptcy trustee having to assert a claim against a church.

Mr. Speaker, that seemed unseemly to a great number of people. The gentlewoman from Idaho and the gentleman from California took to the legislative process to try to bring about a change. Hence their legislation, hence the action of the Committee on the Judiciary, and we have arrived at this stage.

What we have done ultimately is to mirror, or try to mirror as much as we can, the Senate version of this same issue in legislation that they have passed so that we can be better prepared when the time comes for ultimate decision to be made by a conference in the two bodies. That is why we have come to the floor at this moment with the vehicle being H.R. 2604.

Mr. Speaker, after the gentleman from New York (Mr. NADLER) presents his opening statement, I will yield to these two Members so that they can fully explain the contents of the legislation, the purpose, et cetera.

Mr. Speaker, I urge adoption of H.R. 2604, the "Religious Liberty and Charitable Donation

Protection Act of 1998'' This legislation, introduced by my colleague, Mr. PACKARD, on October 2, 1997, has as of today more than 120 bipartisan co-sponsors. It was reported out of the Judiciary Committee without objection.

H.R. 2604, with amendment, which is before you for consideration today, contains one substantial change from the bill as reported by the Judiciary Committee which is in accord with the members of the other body. The additional provision it contains prevents creditors from using remedies available under state law to avoid transfers of religious or charitable contributions. H.R. 2604, as amended, is now identical to its Senate counterpart, S. 1244, which passed the other body on a vote of 100 to 0 on May 13, 1998. Favorable action today in this body can send this legislation to the President for his approval.

The principal component of H.R. 2604 protects certain prepetition charitable contributions made by an individual debtor to qualified religious or charitable entities within one year preceding the filing date of the debtor's bankruptcy petition from being subsequently avoided by a bankruptcy trustee under Section 548 of the Bankruptcy Code. The bill defines ''charitable contribution'' and ''qualified religious or charitable entity or organization'' by reference to applicable provisions of the Internal Revenue Code. In addition, its sets certain limits on the amount of charitable contributions that would be exempt from Section 548.

Important policy considerations support this bill. Voluntary donations should be treated differently than other types of property transfers under the Bankruptcy Code. The inherent nature of charitable contributions is that they are made specifically without the intent of receiving anything in return. This principal is recognized in the Internal Revenue Code's provisions concerning the deductibility of certain charitable contributions.

Under current law, the courts often conduct a very fact-specific analysis to determine whether a debtor received reasonably equivalent value in exchange for a charitable contribution. In the religious context, courts consider, for example, whether the debtor received certain services from the religious entity, such as counseling, in exchange for his or her donation. This analysis essentially places courts in the untenable position of having to value spiritual benefits and has led to disparate case law development.

Other policy considerations favoring the exemption of charitable contributions from the purview of Section 548 include the fact that religious and charitable organizations provide valuable services to society and serve the common good. Another consideration is the fact that most religious and charitable organizations simply lack the funds to litigate a recovery action filed a bankruptcy trustee under Section 548 and therefore must simply return the funds received. Particularly in light of the longer reachback period permitted under state law made applicable under Section 544(b) of the Bankruptcy Code, a charitable organization or religious entity may have to return funds it received from a debtor over a period extending several years.

The bill also addresses problems presented by the current unclear state of the law that exists in light of a recent decision by the Supreme Court that places the continuing validity of the Religious Freedom Restoration Act in doubt.

It is important to keep in mind that H.R. 2604 is not intended to diminish any of the protections against prepetition fraudulent transfers available under section 548 of the Bankruptcy Code. First, it applies to transfers that a debtor makes on an aggregate basis during the one-year reachback period preceding the filing of the debtor's bankruptcy case. Second, if a debtor, on the eve of filing for bankruptcy relief, suddenly donates 15 percent of his or her gross income to a religious organization, the debtor's fraudulent intent, if any, would be subject to scrutiny under section 548(a)(1) of the Bankruptcy Code. This fifteen percent ''safe harbor'' merely shifts the burden of proof and limits litigation to where there is evidence of a change in pattern large enough to establish fraudulent intent.

In addition, H.R. 2604 protects the right of certain debtors to tithe or make charitable contributions after filing for bankruptcy relief. This protection is required because some courts have held that tithing is not a reasonably necessary expense or have dismissed these debtors' bankruptcy cases on the ground that such tithing constituted a ''substantial abuse'' under section 707(b) of the Bankruptcy Code.

For all of these laudatory reasons, I urge the adoption of H.R. 2604, as amended.

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 want to begin by thanking the honorable gentleman from California (Mr. PACKARD), my friend, for originally introducing this legislation. I also thank the honorable gentleman from Pennsylvania (Mr. GEKAS), for bringing this legislation forward.

Mr. Speaker, given the spirited debates we have been having on our subcommittee and on the full committee on certain other bankruptcy legislation the gentleman is sponsoring, I am glad we have been able to work together to develop this bill and to bring it to the floor as bipartisan legislation today.

This bipartisan legislation would protect religious and other charitable institutions that receive donations from individuals who later declare bankruptcy, and would permit debtors in bankruptcy to continue to make donations to such organizations of up to 15 percent of their gross annual income.

This bill is needed to address a problem that originated with the Supreme Court's decision in 1990 in Employment Division versus Smith, which said that the government may impose substantial burdens on an individual's free exercise rights so long as the government does so in a manner that is facially neutral toward religion.

Congress attempted to correct this decision in 1993 by enacting the Religious Freedom Restoration Act, RFRA. The Court of Appeals in the Eighth Circuit ruled in 1996 that RFRA protected tithed donations to a charitable organization from creditors in bankruptcy proceedings.

The following year, last year, the Supreme Court unfortunately struck down RFRA in City of Boerne versus Florez, and later, in accordance with its decision in Boerne that RFRA was unconstitutional, vacated and remanded the Eighth Circuit decision.

Since the Supreme Court decision struck down RFRA only with respect to State laws, however, it is uncertain today whether RFRA remains good law as applied to Federal statutes such as the Bankruptcy Code. While the Supreme Court may ultimately decide this question, I see no reason to wait for a decision when a simple and straightforward remedy is at hand as to the tithing problem.

This legislation would protect religious and charitable donations in bankruptcy proceedings by clarifying that they are not ''fraudulent transfers'' within the meaning of the statute. As modified by the Senate language, the legislation also deals with the problem of State fraud statutes which might otherwise, under some circumstances, be used to undercut the Federal protection which I trust we will institute today. So this legislation takes care of that potential problem.

Mr. Speaker, I would like at this time to engage the gentleman from Pennsylvania (Mr. GEKAS) in a colloquy to confirm my understanding of the legislative intent with respect to section 3(a) of this bill which adds a new section 548(a)(2)(A) to title 11 of the U.S. Code. This section provides a safe harbor for qualified contributions of up to 15 percent of the debtor's gross annual income for the year in which such contributions were made. Under the new section 548(a)(2)(B), if the debtor's aggregate donations exceed 15 percent, the debtor would have to establish that the transfer was consistent with his or her prior pattern of charitable giving in order for that donation to be protected.

Mr. Speaker, I would ask the gentleman from Pennsylvania (Mr. GEKAS) to confirm my understanding as set forth in the committee report that the intent of this provision is to protect qualified contributions of up to 15 percent of the debtor's gross annual income in the aggregate for the year in which the contribution was made, and that we do not intend this language to allow multiple contributions to a given organization or to more than one organization which in the aggregate exceed 15 percent of the debtor's gross annual income to be protected. Would the gentleman confirm whether this is his understanding as well?

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

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

Mr. GEKAS. Mr. Speaker, I appreciate the opportunity at this juncture to explain in response to the gentleman's question that this legislation is not intended to diminish any of the protections against pre-petition, fraudulent transfers available under section 548 of the Bankruptcy Code.

First, it applies to transfers that a debtor makes, and I emphasize this, on

an aggregate basis during the one year reach-back period to which the gentleman has referred proceeding the filing of the debtor's bankruptcy case.

Second, if the debtor on the eve of filing for bankruptcy relief suddenly donates 15 percent of his or her gross income to a religious organization, the debtor's fraudulent intent, if any, would be subject to scrutiny under section 548(a)(1) of the Bankruptcy Code. This 15 percent safe harbor merely shifts the burden of proof and limits litigation to where there is evidence of a change in pattern large enough to establish fraudulent intent. We hope this satisfies the inquiry that the gentleman has posed.

Mr. NADLER. Mr. Speaker, reclaiming my time, I thank the gentleman very much for his response. Yes, indeed it does satisfy the inquiry. I thank the gentleman for his assistance in clarifying the intent of the legislation and of the Congress in regard to this matter. Mr. Speaker, I urge my colleagues to adopt this legislation.

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

Mr. GEKAS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. PACKARD).

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

Mr. PACKARD. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding me this time. I would like to take this moment to heartily thank the gentleman from Illinois (Mr. HYDE), chairman of the full Committee on the Judiciary, the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, and the gentleman from New York (Mr. NADLER), the ranking Democrat on the subcommittee, for bringing this bill to the floor today and for their support of the Religious Liberty and Charitable Donations Protection Act which is before us.

Mr. Speaker, in the Old Testament it says, ''Will a man rob God? Yet ye have robbed me. But ye say, Wherein have we robbed thee? In tithes and offerings. Bring ye all the tithes into the storehouse, that there may be meat in mine house, and prove me now herewith, sayeth the Lord of Hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall not be room enough to receive it.''

To many Christians this is a sacred commandment, and they cannot practice their religions unless they can obey this commandment that says they need to bring their tithes to Him.

A person often in times of financial and other problems turns to God and their church for strength and for blessings. To close those windows of heaven and prevent God from pouring out a blessing at the very time that bankrupt families need His blessings would be unconscionable, for the law of the land to prevent a person from being able to practice that part of their religion.

Mr. Speaker, many churches and charitable organizations across this country live from hand to mouth, when what comes into the collection plate on one day is usually spent the next. When a creditor is allowed to sue a church or a charity in order to recover a donation made possibly months or even years earlier, the church or charity is usually put in a position of hardship. What is more, they rarely have the ability or the resources to fight the suit in court. In some cases, that can lead to financial ruin for the church or for the charitable organization.

I do not believe that a church or a charity that receives a tithe or a donation ought to have to check the financial background of the donor before they donate. They certainly should not be penalized for receiving a donation from anybody, but that is exactly what current law requires.

My bill, along with Senator GRASSLEY's bill, S. 1244, would correct this problem. In addition to protecting churches and charities, our bill also assists the individual donor himself. Currently, a person who files for bankruptcy under chapter 13 is not allowed to make charitable contributions or tithes to a church. Amazingly, the court has said that in making this type of contribution, the donor receives nothing of value in return. Mr. Speaker, I cannot accept this. I contribute to my church and I am here to say that I do receive something of significant value, and it is tangible to me, in return.

Under chapter 13, a person can go to a bar, to a beer hall. They can get advice on a 1–900 psychic advice line. They can gamble their money away. They can fill their basement full of alcohol. But they cannot contribute to their church or to a charity. That is unconscionable and ought to be corrected, and this bill will correct that.

I hope and pray that every Member of this House will follow the lead of the Senate. The Senate, when this was called for on a rollcall vote on the floor of the Senate, 100 Senators voted for it. Not a single one voted against it. We hope the House will follow that example.

Again, I thank the gentlemen from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, and the gentleman from New York (Mr. NADLER), ranking member, for bringing this to the floor of the House today.

Mr. Speaker, I submit the following three letters that deal with this bill for inclusion in the RECORD:

CHRISTIAN LEGAL SOCIETY,
Annandale, VA, May 13, 1998.

Re support for H.R. 2604.

Hon. RON PACKARD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE PACKARD: The 4,000 member attorneys and law students of the Christian Legal Society unequivocally endorse your ''Religious Liberty And Charitable Donation Protection Act,'' for a number of reasons.

First, your bill would prevent bankruptcy trustees or creditors under section 544 from using state fraudulent transfer laws that allow confiscation of donations going back as far as six years prior to bankruptcy filing. H.R. 2611 does not.

Second, H.R. 2604 ensures the right of Americans to continue to give to their church or charity while they are paying off their debts pursuant to a Chapter 13 plan. Otherwise, religious believers will be barred for years from exercising this form of worship. H.R. 2611 does not address Chapter 13.

Third, H.R. 2604 would protect tithes and offerings received by churches and charities from donors who gave either from a sense of religious obligation or motivation. Some judges will inevitably conclude that the clause in H.R. 2611 that limits protection to gifts made ''from a sense of religious obligation'' does not extend to the millions of Americans who give not because of a commandment but out of gratitude to God.

Fourth, H.R. 2604 is constitutionally sound. It extends protection to donations given to religious as well as non-religious donees. H.R. 2611 only protects gifts to ''a religious group or entity''; consequently, it is likely to be challenged as violative of the First Amendment's prohibition on an establishment of religion.

With the Senate's near unanimous approval today of the identical Grassley language (S. 1244), it is apparent that H.R. 2604 enjoys broad bipartisan support. The Packard-Grassley bill can pass this Congress, providing immediate relief for churches and ministries that are otherwise bound to continue losing in the courts. Unlike H.R. 2611, it would protect debtors in Chapter 13 who wish to continue their donations. Unlike H.R. 2611, H.R. 2604 would prevent the misuse of state laws to confiscate multiple years of giving. And H.R. 2604 would protect far more churches (not just those that require tithing) and would not likely be a target of a lawsuit challenging its constitutionality.

For any and all of these reasons, Christian Legal Society will work for the earlier passage in the House of H.R. 2604.

Respectfully,

STEVEN T. MCFARLAND,
Director, Center For Law and Religious Freedom.

P.S. We understand that some may question whether the 15% figure in section 3 of H.R. 2604 is a cap. We believe the answer is clearly ''no.'' Rather than inviting trustees across the country to litigate over whether the tithe was a consistent practice of the donor, H.R. 2604 creates a bright-line test, a ''safe harbor'' that defuses this issue. Churches would not have to waste precious funds on legal fees defending their offerings in court. It would be clear; if the donations are no more than 15%, then trustee cannot challenge them, unless he has evidence of actual fraud (section 548a(1) would remain available). With the 15% shield, Congress would be clarifying what creditors cannot challenge, not prescribing how much a donor should give. A donor can give more than 15% of his income to charity, but will have to prove that this has been his consistent practice over several years.

SCHOOL OF LAW,
THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, TX, May 6, 1998.

Hon. RON PACKARD,
Rayburn House Office Building,
Washington, DC.

DEAR REP. PACKARD: The question has arisen whether S. 1244 and H.R. 2604 would protect unincorporated churches. The answer is yes; unincorporated churches would be protected.

These bills protect organizations defined in §170(c)(2) of the Internal Revenue Code,

which includes any ''corporation, trust, or community chest, fund, or foundation'' organized and operated exclusively for charitable, religious, or other listed purposes. The Internal Revenue Code defines ''corporation'' to include an ''association.'' 26 U.S.C. §7701(a)(3). An unincorporated association may also be a ''fund.''

The language of §170(c)(2) dates to shortly after World War I. Related sections drafted more recently use the word ''organization,'' which more obviously includes unincorporated associations. *See, e.g.,* §170b and §§502–511. The implementing regulations under §170 and §501(c)(3) also used the word ''organization.'' 26 C.F.R. §§1.170 and 1.501. ''Organization'' does not appear to be a defined term. But Treasury Regulations define ''articles of organization'' in inclusive terms: ''The term 'articles of organization' or 'articles' includes the trust instrument, the corporate charter, *the articles of association,* or any other written instrument by which an organization is created.'' 26 C.F.R. §1.501(c)(3)(b)(2) (emphasis added). ''Articles of association'' clearly seems designed to include unincorporated associations.

The clearest statement from the Internal Revenue Service appears to be Revenue Procedure 82–2 (attached), which sets out certain rules for different categories of tax exempt organizations. Section 3.04 provides a rule for ''Unincorporated Nonprofit Associations.'' This Procedure treats the question as utterly settled and noncontroversial.

Tax scholars agree that §170 includes unincorporated associations. The conclusion appears to be so universally accepted that there has been no litigation and no need to elaborate the explanation. The leading treatise on tax-exempt organizations states: ''An 'unincorporated association' or 'trust' can qualify under this provision, presumably as a 'fund' or 'foundation' or perhaps, as noted, as a 'corporation.'" Bruce R. Hopkins, *The Law of Tax-Exempt Organizations* §4.1 at 52 (7th ed. 1997).

Borris Bittker of Yale and Lawrence Lokken of NYU say: ''Since the term 'corporation' includes associations and 'fund or foundation' as used in IRC §501(c)(3) is construed to include trusts, the technical form in which a charitable organization is clothed rarely results in disqualification.'' Boris I. Bittker & Lawrence Lokken, 4 *Federal Taxation of Income, Estates and Gifts* ¶100.1.2 at 100–6 (2d ed. 1989).

Closely related provisions of the Code expressly cover churches. I.R.C. §170(b)(1) states special rules for a subset of organizations defined in §170(c), including ''a church, or a convention or association of churches.'' I.R.C. §508(c)(1) provides that ''churches, their integrated auxiliaries, and conventions or associations of churches'' do not have to apply for tax exemption. These provisions plainly contemplate that churches are covered; they also prevent the accumulation of IRS decisions granting tax exempt status to unincorporated churches. These churches are simply presumed to be exempt.

There are tens of thousands of unincorporated churches in America. I am not aware that any of these churches has ever had difficulty with tax exemption or tax deductibility of contributions because of their unincorporated status. I work with many church lawyers and religious leaders, and none of them has ever mentioned such a problem. There are no reported cases indicating litigation over such a problem. If unincorporated churches were having this problem, Congress would have heard demands for constituent help or corrective legislation.

The fact is that legitimate unincorporated churches that otherwise qualify for tax deductibility under §170 and for tax exemption under §501(c)(3) are not rendered ineligible by their failure to incorporate. There is so little doubt about that that neither Congress, the IRS, nor the courts has ever had to expressly elaborate on the rule that everyone knows. This is a question that can be safely dealt with in legislative history affirming Congress's understanding that unincorporated associations are included in §170(c)(2) and Congress's intention that they be protected by these bills.

I consulted informally with Deirdre Halloran, the expert on tax exempt organizations at the United States Catholic Conference, and with tax professors here and elsewhere, who confirmed these conclusions. Ms. Halloran would be happy to respond to inquiries from your office if you need a second opinion.

Very truly yours,

DOUGLAS LAYCOCK.

REV. PROC. 82–2

SECTION 1. PURPOSE

The purpose of this revenue procedure is to identify the states and circumstances in which the Service will not require an express provision for the distribution of assets upon dissolution in an exempt organization's articles of incorporation, trust instrument, or other organizing document to satisfy the ''organizational'' test in section 1.501(c)(3)–1(b)(4) of the Income Tax Regulations. Also, this procedure provides a sample of an acceptable dissolution provision for organizations that are required to have an express provision for the distribution of assets upon dissolution.

SEC. 2. BACKGROUND

.01 Section 1.501(c)(3)–1(b)(4) of the regulations provides that:

''(4) *Distribution of assets on dissolution.* An organization is not organized exclusively for one or more exempt purposes unless its assets are dedicated to an exempt purpose. An organization's assets will be considered dedicated to an exempt purpose, for example, if, upon dissolution, such assets would, by reason of a provision in the organization's articles or by operation of law, be distributed for one or more exempt purposes, or to the Federal government, or to a State or local government, for a public purpose, or would be distributed by a court *to another organization to be used in such manner as in the judgment of the court will best accomplish the general purposes for which the dissolved organization was organized.* However, an organization does not meet the organizational test if its articles or the law of the State in which it was created provide that its assets would, upon dissolution, be distributed to its members or shareholders. [Emphasis added.]

.02 The issue of the applicability of state law in relation to section 1.501(c)(3)–1(b)(4) of the regulations as to a particular organization arises only where the organization itself has not provided for the distribution of its assets upon dissolution in its articles of incorporation, organizing document, or trust instrument. When state law satisfies the provisions of section 1.501(c)(3)–1(b)(4), it is not necessary to require an organization to amend its articles of incorporation or organizing document, or to require a trust to obtain a judicial decree amending its trust instrument, in order to satisfy the organizational test for qualification as an exempt organization described in section 501(c)(3) of the Code, where all the other requirements for exemption are met.

.03 The issue of whether section 1.501(c)(3)–1(b)(4) of the regulations is satisfied under state law can be broken down into four areas according to the type of entity involved:

(1) the *cy pres* doctrine as to *inter vivos* charitable trusts;

(2) the *cy pres* doctrine as to testamentary charitable trusts, which can exist in a particular state by case law and/or by statute;

(3) state corporate law containing statutes that provide for the distribution of assets upon the dissolution of nonprofit corporations; and

(4) state law by court decision or statute relating to unincorporated associations.

Each of these four areas will be treated separately in this revenue procedure.

SEC. 3. GUIDELINES

.01 Inter Vivos Charitable Trusts.

1. Because there is no guarantee under the law of any jurisdiction, except Delaware, that *cy pres* would be used to keep an *inter vivos* charitable trust from failing, any *inter vivos* charitable trust, except in Delaware, should be required to have an adequate dissolution provision in its trust instrument to satisfy the requirements of section 1.501(c)(3)–1(b)(4) of the regulations.

.02 Testamentary Charitable Trusts.

1. The courts in the following states always apply the *cy pres* doctrine or the doctrine of equitable approximation to keep a charitable testamentary trust from failing, and thus section 1.501(c)(3)–1(b)(4) of the regulations with respect to charitable testamentary truss is satisfied:

Alabama.
Delaware.
Louisiana.
Pennsylvania.
South Dakota.
Virginia.

West Virginia (However, a state court decision has held that the *cy pres* doctrine does not apply to a scientific organization in West Virginia.)

2. The courts in the jurisdictions listed below will apply the *cy pres* doctrine to keep a charitable testamentary trust from failing when the language of the trust instrument demonstrates that the settlor had a general intent to benefit charity, and not merely a specific intent to benefit a particular institution. In such jurisdiction the *cy pres* doctrine may be relied upon by a charitable testamentary trust to satisfy section 1.501(c)(3)–(b)(4) of the regulations only when the settlor has demonstrated a general charitable intent in the language of the trust instrument. Unless the testator manifests a general intent to benefit charity, the Service will require the testamentary charitable trust to provide an express dissolution provision in the trust instrument to satisfy section 1.501(c)(3)–1(b)(4).

Arkansas.
California.
Colorado.
Connecticut.
District of Columbia.
Florida.
Georgia.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.

Missouri—MO. ANN. STAT. §352.210.3 satisfies the provisions of section 1.501(c)(3)–1(b)(4) of the regulations while MO. ANN. STAT. §355.230.(3) does not satisfy the requirements.

Nebraska.
New Hampshire.
New Jersey.
New York.
North Carolina.
Ohio.
Oklahoma.
Oregon.

Rhode Island.
Tennessee.
Texas.
Vermont.
Washington.
Wisconsin.

3. Charitable testamentary trusts in the following states need a dissolution provision in the trust instrument to satisfy section 1.501(c)(3)–1(b)(4) of the regulations because these states have either expressly rejected or have never applied the *cy pres* doctrine:

Alaska.
Arizona.
Hawaii.
Idaho.
Montana.
Nevada.
New Mexico.
North Dakota.
South Carolina.
Utah.
Wyoming.

.03 Nonprofit Charitable Corporations.

1. The statutes applicable to nonprofit charitable corporations in the states listed below will satisfy the provisions of section 1.501(c)(3)–1(b)(4) of the Regulations:

Arkansas.
California.
Louisiana.
Massachusetts.
Minnesota.
Missouri.
Ohio.
Oklahoma.

All other states, and the District of Columbia do not have statutes applicable to nonprofit charitable corporations that will satisfy the provisions of section 1.501(c)(3)–1(b)(4). Thus, nonprofit corporations in the eight named states do not need a dissolution provision to satisfy section 1.501(c)(3)–1(b)(4). A nonprofit corporation in a jurisdiction not listed needs an adequate dissolution provision in its organizing document to satisfy section 1.501(c)(3)–1(b)(4).

.04 Unincorporated Nonprofit Associations.

None of the fifty-one jurisdictions provides certainty by statute or case law, for the distribution of assets upon the dissolution of an unincorporated nonprofit association. Therefore, any unincorporated nonprofit association needs an adequate dissolution provision in its organizing document to satisfy the requirements of section 1.501(c)(3)–1(b)(4) of the regulations.

.05 Sample Dissolution Provision.

1 For any organization that needs a dissolution provision in its organizing instrument to satisfy the provisions of section 1.501(c)(3)–1(b)(4) of the regulations, the following language is illustrative of what may be used:

(a) *Upon the dissolution of [this organization] assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose.*

.06 Periodic Update.

This Revenue Procedure will be updated periodically as changes in state laws come to the attention of the Service.

HOME SCHOOL
LEGAL DEFENSE ASSOCIATION,
Purcellville, VA, May 8, 1998.

DEAR SENATOR GRASSLEY AND REPRESENTATIVE PACKARD, I received a copy of the letter from Professor Doug Laycock concerning my question regarding the inclusion of unincorporated associations in S. 1244 and H.R. 2604. His letter more than answers my question.

Although an attorney with substantial constitutional practice, I am not a non-profit tax expert by any means. Doug Laycock has outstanding credentials in all relevant areas and his opinion is conclusive for me.

I would note that the expert commentators he quotes appear to point to different terms in the phrase ''corporation, trust, or community chest, fund, or foundation'' to include unincorporated churches. Taken literally, unincorporated associations do not fall in any of these categories. Reading laws literally is generally a good idea, but was my mistake on this occasion.

Despite the lack of statutory clarity, the practice of the IRS appears clear. And if an appropriate legislative record is made, this should settle the matter for all judges with the possible exception of Justice Scalia.

Thanks for getting an answer so quickly.

Sincerely,

MICHAEL FARRIS,
President.

Mr. GEKAS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I rise to engage in a colloquy with the gentleman from California (Mr. PACKARD), my friend and the author of this bill.

As the gentleman knows, I have legislation that also addresses the issue of bankruptcy trustees disgorging from innocent churches the tithes of members who have filed for bankruptcy. I applaud the gentleman's efforts and thank him very much for his hard work.

As we have discussed together numerous times, our primary concern is that anything that we do to address this issue will not lead to the future government regulation of the church and the interference in the free exercise of religion. We have had many discussions over that.

Mr. Speaker, with the passage of H.R. 2064, we provide the Federal Government absolutely no opportunity to extend its reach to regulate churches in this country. I would ask, is that the intent of the gentleman's legislation?

□ 1545

Mr. PACKARD. Mr. Speaker, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. PACKARD. Absolutely, the gentlewoman is certainly right. I have no intentions in this bill or in any other way for the government to regulate churches.

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman.

With the passage of H.R. 2604, there is no opportunity to have the Federal Government define tithes or to place a floor or a limit on the amount of tithes that a parishioner can give to his or her church. Is that the gentleman's intent?

Mr. PACKARD. Mr. Speaker, that is certainly my intent.

Mrs. CHENOWETH. And, Mr. Speaker, it is my understanding of the intent of H.R. 2604 that we are not including churches in the same legal classifications as 501(c)(3)s, which are an artificial creation of the State, while the churches are a creation of God. Is this the intent of H.R. 2604?

Mr. PACKARD. Mr. Speaker, the gentlewoman is correct.

Mrs. CHENOWETH. Lastly, Mr. Speaker, in solving this problem between churches and the bankruptcy courts, we are not intending the Federal Government to be involved in any way in overriding scripture or taking away the autonomy and the free exercise of religion in America's churches. Is this the intent of H.R. 2604?

Mr. PACKARD. Mr. Speaker, if the gentlewoman will continue to yield, it is certainly the intent of the bill.

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from California (Mr. PACKARD) for all of his hard work on this issue. I also want to thank his staff for their hard work. The gentleman is a true champion of religious freedom, and he has my deepest respect and admiration. I want to thank the gentleman and my friend from California.

I also join with the gentleman from California (Mr. PACKARD) in thanking the gentleman from Illinois (Mr. HYDE), the gentleman from Pennsylvania (Mr. GEKAS) and the ranking member, the gentleman from New York (Mr. NADLER).

Mr. PACKARD. Mr. Speaker, if the gentlewoman will continue to yield, I want to personally thank her for her leadership on this issue. She wrote a bill that is very similar and I think it has the same basic goals. I applaud the gentlewoman for that. I have sponsored her bill. It is just that this was the bill that moved through the committee structure. I thank the gentlewoman very much.

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

I simply wanted to make a number of observations on this bill.

One, this bill does afford to religious institutions and to nonreligious charitable institutions the same protection. If someone in good faith gives a charitable contribution, whether to a church or the American Cancer Society, the trustee in bankruptcy, if the person subsequently declares bankruptcy, should not go into the church or to the Cancer Society or the Lung Society, whatever it may be, and try to get them to repay the money. That is what this bill does. It sets up those protections.

The second thing I want to say, in light of what I said earlier about the history of this bill, the religious liberty protections, is that some of us in this House are very strong advocates of separation of church and State. I will be opposing the so-called Istook amendment on the floor later in the week. We do believe very strongly in the separation of church and State, but we also believe that government should not be hostile to religion and government should be accommodating to people with religious beliefs and also to people with charitable intentions, and this legislation is very much in that direction.

I think no matter what position someone may take on some of the

other legislation such as the Istook amendment, we can all unite in supporting this type of legislation which does not breach the will of separation of church and State but says that the freedom to contribute money to the church or to the synagogue or the mosque or to the nonreligious charitable institution should not be violated and that government should not be hostile to these institutions.

Again, I thank my colleague from Pennsylvania and my colleague from California for their leadership in bringing this bill to the floor. I urge all my colleagues to vote for it.

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

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairman for yielding me this time and commend the gentleman from California (Mr. PACKARD) for his leadership in this important area of religious liberty and charitable contributions. There is nothing more important to our society than trying to strengthen the voluntary time and money commitments as an alternative, as a supplement to the efforts that government and other organizations make in their communities.

As has been pointed out, I am sure, this legislation is particularly needed to protect religious freedom in this country because of the Crystal Evangelical Free Church in Minneapolis, Minnesota, which has had a prolonged legal fight for over 6 years in an effort to prevent the church from being forced to return money which had been regularly tithed by a parishioner who subsequently filed for bankruptcy.

At the lower court, a Federal bankruptcy trustee recaptured $13,500 in past tithes from the Minnesota congregation. The church appealed the ruling and the Eighth Circuit Court vacated the decision, ruling that the Religious Freedom Restoration Act, RFRA, passed by this Congress, prevented bankruptcy trustees from voiding debtor's tithes to their church as fraudulent transfers.

Unfortunately, as a result of the Supreme Court's decision on June 25, 1997, that RFRA was unconstitutional as applied to the States. The Eighth Circuit was required to vacate its earlier decision on behalf of the church and reconsider its ruling in light of the Supreme Court.

The tragic result is that churches and charities around this country are now vulnerable to aggressive bankruptcy lawyers and other creditors while, at the same time, we are allowing people to take cruises, gamble, even call psychic hotlines, but denying them the right to exercise their faith through contributing to charities and/or other, as the gentleman from New York (Mr. NADLER) pointed out, other charities, not just religious based.

I believe that this situation is intolerable. It violates the first amendment religious clauses of the Constitution, while encouraging an outbreak of bankruptcy litigation against churches and other charities. This bill provides an excellent resolution to a serious threat to religious freedom and charities across the board.

The full text is also included in the community renewal legislation which I support along with members of the Renewal Alliance.

I once again congratulate the chairman on his leadership.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, one of the common threads throughout the American experience is the strong yearning for religious liberty. It is what brought the Puritans to Plymouth Rock, the Mennonites to Lancaster County and the Mormons to Utah. It is part of what we are as Americans.

Protection of religious expression is a bedrock principle of the Constitution enshrined in the very first amendment to the Bill of Rights. The freedom to fully participate in religion includes the right to make offerings.

Sometimes those who make contributions will fall into financial problems and end up before the local bankruptcy court. Over the past few years bankruptcy courts with neither divine guidance nor the direction of Congress have struggled with reconciling competing interests of creditors and churches. In my view, it is inappropriate for the bankruptcy court system to force religious denominations to disgorge good-faith offerings or tithes in order to comply with rigid formulas.

S. 1244 seeks to resolve this by establishing a simple formula: Religious contributions by a debtor, if consistent with past practice or if totaling less than 15 percent of gross income, shall not be reachable by a creditor in the context of bankruptcy.

In a sense, this measure follows Christ's admonition to render therefore unto Caesar the things that are Caesar's and unto God the things which are God's. It avoids the effect of our current course that puts Federal bankruptcy court judges in the position of knocking on the doors of our churches wearing the hat of the repo man and demanding the return of tithes, offerings and other contributions.

I compliment the gentleman from California (Mr. PACKARD) and the gentleman from Pennsylvania (Mr. GEKAS) for their hard work and encourage a yes vote.

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

Mr. NADLER. Mr. Speaker, I yield 1 minute 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 rise in strong support of the bill. I appreciate the sponsors for doing this.

I had a church in Baytown, Texas, in my district which has experienced a problem with the current law. I appreciate the sponsors of the bill for correcting this situation. I hope the other body takes it up, and it is passed and signed and corrected.

Mr. BENTSEN. Mr. Speaker, I rise as a cosponsor and strong supporter of H.R. 2604, the Religious Liberty and Charitable Donation Protection Act.

This legislation provides much-needed protection to churches and other charitable organizations by preventing creditors from attempting to seize tithes and other donations made by individuals who later file for bankruptcy. Business and individuals should have the right to vigorously pursue the repayment of bad debts. But they should not have the right to reach into church offering plates and the limited budgets of charities providing invaluable services.

I know from the experience of a church in my district, the Cedar Bayou Baptist Church in Baytown, how harmful current law can be. Cedar Bayou was sued by creditors in 1995 and in September of 1997, the church was ordered to return $23,000 in tithes given by a member who later declared bankruptcy. The church has run up more than $7,000 in legal bills defending itself in court and expects the costs to rise even higher as it proceeds with an appeal of its case. Other churches across the country have incurred even higher costs, with one church in Minnesota spending $280,000 on legal fees in a case that reached the U.S. Supreme Court.

Unfortunately, the courts have ruled that tithes and donations are not protected from bankruptcy proceedings and instead are considered fraudulent transfers under current bankruptcy law. So there is an urgent need for this legislation.

This legislation provides much needed protection for houses of worship and charities. Our churches, synagogues, and charities often operate on small budgets and depend on donations for basic operations and services. They should not have to pay the price for someone else's financial problems.

In addition, this legislation also would allow debtors to make a charitable contribution of up to 15 percent under their Chapter 13 bankruptcy protection budget plans. I believe it is appropriate that we give people the peace of mind that, in the event of personal financial difficulties, they can continue to contribute to their favorite church or charity.

I urge approval of this important legislation to protect our charities and houses of worship.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2604, the Religious Liberty and Charitable Donation Protection Act of 1997. First of all, I am glad that we are considering this bill that I think, in some part, affects all of us. The important question that rests before us today is not simply whether our bankruptcy laws, as they stand, are effectively negating the protections for religious freedom afforded by the 1st Amendment of our Constitution, but whether this Congress will continue to be a strong defender of civil and Constitutional rights.

Although we often do so, the Constitution and the rights it extends to the citizens of this country is something that we must not take for granted. According to Judge Alphonzo Taft, father of President and Chief Justice William

Howard Taft, ''The ideal of our people as to religious freedom is absolute equality under the law of all religious opinions and sects * * * the government is neutral and while protecting all, it prefers none and disparages none.''

The right to express one's religious beliefs freely, as long as their expression does not harm others, is a fundamental part of the American experience. Those who came to this country found the early American colonies nearly four centuries ago, did so in order to escape the bitter sting of religious persecution. So it is no surprise that the first Amendment to the Constitution crafted by the descendants of these brave trailblazers was an attempt to ensure free religious expression. Although at times it is difficult to see, as Americans, we are the products of a great legacy of freedom. A legacy that we, as Members of the United States Congress, have been duly empowered to continue on the people's behalf.

However, in large part, the lasting impact of the 105th Congress, on the people that we have been elected to serve, still remains to be determined. One thing is for sure, whether we are Democrat or Republican, liberal or conservative, male or female, is the fact that the Members of this Congress have a sacred duty to be vigilant defenders of the public good. I believe that a vote of confidence, at least, for the civil libertarian spirit of H.R. 2604, the Religious Liberty and Charitable Donation Protection Act is a necessary step in the right direction. As a proponent of freedom, I can say without reservation that this bill cuts to the heart of what our Constitution and country are really all about.

However, at another level, this bill reminds us of the challenge before us to be at the forefront of the many sorely-needed reforms to our consumer and commercial bankruptcy laws. H.R. 2604, of which I am a co-sponsor, seeks to protect any religious and charitable contribution of a debtor made within one year of their filing for bankruptcy from possible recovery by a Trustee or creditor. Essentially, a Chapter 13 participant can be barred from tithing to their local church if their creditors object to the addition of this gift to their debt restructuring plan. Additionally, in Chapter 7 cases, religious contributions can be used as suitable basis to dismiss a debtor's case on the grounds that they are substantially abusing the Chapter's many favorable bankruptcy provisions. At some point, this subtle form of religious persecution must stop.

Especially at this time when several other sections of Title 11 of our Federal Code are under serious legislative review by this Congress, efforts to provide protection for the charitable and religious donations of debtors are particularly important. If any of the current legislative initiatives that encourage debtors to enter into Chapter 13 recommitment plans are passed, without first enacting these necessary protections for the religious contributions of debtors, then this growing deficiency in our bankruptcy laws will surely be exacerbated. For all of these reasons, I urge all of my colleagues to please support H.R. 2604.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2604, 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.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1244) to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1244

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 ''Religious Liberty and Charitable Donation Protection Act of 1998''.

SEC. 2. DEFINITIONS.

Section 548(d) of title 11, United States Code, is amended by adding at the end the following:

''(3) In this section, the term 'charitable contribution' means a charitable contribution, as that term is defined in section 170(c) of the Internal Revenue Code of 1986, if that contribution—

''(A) is made by a natural person; and

''(B) consists of—

''(i) a financial instrument (as that term is defined in section 731(c)(2)(C) of the Internal Revenue Code of 1986); or

''(ii) cash.

''(4) In this section, the term 'qualified religious or charitable entity or organization' means—

''(A) an entity described in section 170(c)(1) of the Internal Revenue Code of 1986; or

''(B) an entity or organization described in section 170(c)(2) of the Internal Revenue Code of 1986.''.

SEC. 3. TREATMENT OF PRE-PETITION QUALIFIED CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 548(a) of title 11, United States Code, is amended—

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

(2) by striking ''(1) made'' and inserting ''(A) made'';

(3) by striking ''(2)(A)'' and inserting ''(B)(i);

(4) by striking ''(B)(i)'' and inserting ''(ii)(I)'';

(5) by striking ''(ii) was'' and inserting ''(II) was'';

(6) by striking ''(iii)'' and inserting ''(III)''; and

(7) by adding at the end the following:

''(2) A transfer of a charitable contribution to a qualified religious or charitable entity or organization shall not be considered to be a transfer covered under paragraph (1)(B) in any case in which—

''(A) the amount of that contribution does not exceed 15 percent of the gross annual income of the debtor for the year in which the transfer of the contribution is made; or

''(B) the contribution made by a debtor exceeded the percentage amount of gross annual income specified in subparagraph (A), if the transfer was consistent with the practices of the debtor in making charitable contributions.''.

(b) TRUSTEE AS LIEN CREDITOR AND AS SUCCESSOR TO CERTAIN CREDITORS AND PURCHASERS.—Section 544(b) of title 11, United States Code, is amended—

(1) by striking ''(b) The trustee'' and inserting ''(b)(1) Except as provided in paragraph (2), the trustee''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to a transfer of a charitable contribution (as that term is defined in section 548(d)(3)) that is not covered under section 548(a)(1)(B), by reason of section 548(a)(2). Any claim by any person to recover a transferred contribution described in the preceding sentence under Federal or State law in a Federal or State court shall be preempted by the commencement of the case.''.

(c) CONFORMING AMENDMENTS.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''; and

(B) by striking ''548(a)(1)'' and inserting ''548(a)(1)(A)'';

(2) in subsection (f)—

(A) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''; and

(B) by striking ''548(a)(1)'' and inserting ''548(a)(1)(A)''; and

(3) in subsection (g)—

(A) by striking ''section 548(a)(1)'' each place it appears and inserting ''section 548(a)(1)(A)''; and

(B) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''.

SEC. 4. TREATMENT OF POST-PETITION CHARITABLE CONTRIBUTIONS.

(a) CONFIRMATION OF PLAN.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting before the semicolon the following: '', including charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of the gross income of the debtor for the year in which the contributions are made''.

(b) DISMISSAL.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following: ''In making a determination whether to dismiss a case under this section, the court may not take into consideration whether a debtor has made, or continues to make, charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to any qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)).''.

SEC. 5. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any case brought under an applicable provision of title 11, United States Code, that is pending or commenced on or after the date of enactment of this Act.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in the amendments made by this Act is intended to limit the applicability of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2002bb et seq.).

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

A similar House bill (H.R. 2604) was laid on the table.

TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 450 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) a further amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, if offered by Representative Rangel of New York or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Before the Memorial Day recess, the Committee on Rules met and granted a modified closed rule for consideration of H.R. 3433 in the House without intervention on any point of order. The rule provides that the amendment recommended by the Committee on Ways and Means shall be considered as adopted, as modified by the amendment printed in the report of the Committee on Rules.

The rule provides for 1 hour of debate on the bill, as amended, equally divided between the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for consideration of an amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided between the proponent and opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3433 would reform the system under which people collect Social Security disability benefits and receive vocational rehabilitation services. Under the bill, recipients would receive a ticket or voucher to obtain job training services in a variety of private sector agencies. The Federal Government would then reimburse these agencies based on the number of recipients they have moved into gainful employment.

CBO estimates that H.R. 3433 would add $38 million to the Federal surplus from 1999 to 2003 because the bill will help to move disability recipients off welfare and into work. Many individuals with disabilities want to work. They are limited, though, in their ability to access rehabilitation services; and they fear losing health care coverage and benefits.

Having served on the board of Learning How in Charlotte for many years, I have seen the frustrations firsthand and the concerns.

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This bill removes such disincentives. It broadens the rehabilitation choices of the disabled and it extends Medicare coverage for an additional 2 years for those who participate in the Ticket to Work program.

Mr. Speaker, it is interesting because a lot of us do not even have any idea that we may one day become disabled. I had a good friend in this field who was disabled who called the rest of us TADs, it was temporarily disabled. The idea is that any day, any time it could happen to one of us and we would be in the same position. The bill makes sense. It grants the disabled a measure of independence while adding to the projected Federal surplus.

I urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, H.Res. 450 is a modified closed rule. The rule allows one amendment, if offered by Ways and Means Ranking Member the gentleman from New York (Mr. RANGEL) and if the amendment is previously printed in the CONGRESSIONAL RECORD.

In general, open rules best protect all Members' rights to fully represent their constituents. However, I recognize the potential problems of allowing an unfettered amendment process on bills, such as this one, that amend the Social Security and Medicare Acts. The Rules Committee has followed the useful tradition of allowing only limited floor amendment during consideration of bills that revise these basic safety net programs.

Mr. Speaker, the current disability system has not kept pace with the development of new technologies and therapies that allow individuals with disabilities to live and work in the mainstream of our society. Too often, our disability system punishes those who wish to work toward living independently by reducing benefits and ending the Medicare benefits on which they depend for their health care.

I am proud to have supported legislation that would aid individuals with disabilities in education, housing, transportation, and many other areas. I was a cosponsor of the Americans with Disabilities Act and have sponsored legislation to prevent genetic discrimination. I am now equally pleased to support H.R. 3433, the Ticket to Work and Self-Sufficiency Act. I am a cosponsor of this legislation, and I urge my colleagues to vote for its passage today.

H.R. 3433 will help to bring our Nation's disability system into line with the reality experienced by persons living with a disability. Individuals with disabilities do want to work, but they need rehabilitation and support services to better enable them to become self-sufficient over time. In particular, Medicare must be maintained for individuals who rely on these services to remain healthy and to be able to work.

H.R. 3433 gives individuals with disabilities the ability to choose the provider of employment or vocational rehabilitation services that meets their particular needs. The chosen employment network will work with the beneficiary to develop an individual plan, including the specific services needed to achieve that individual's employment goal. Perhaps most importantly, during this transition period, Medicare coverage is guaranteed for an additional 2 years. This will allow beneficiaries to concentrate on building their employment skills and careers without the fear that they will lose their health care if they earn above a minimum threshold.

To encourage the best and most comprehensive assistance for beneficiaries, this Act has provider payment plans keyed to the successful attainment of milestones toward permanent employment. For example, under the outcome payment system, the provider could receive 40 percent of the average monthly benefit for each month the beneficiary did not receive benefits because he was working.

Mr. Speaker, this legislation provides a responsible and humane alternative to our current disability system, by empowering individuals with disabilities to take charge of their own lives. It will enable many people to break free of a system that, too often, forces persons with disabilities to remain impoverished to continue to receive benefits. Instead it rewards those who want to work. I look forward to casting my vote today in strong support of this bill.

I urge my colleagues to support the rule so that we may move this important legislation forward toward enactment into law.

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

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 450, I call up the bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). The bill is considered read for amendment.

The text of H.R. 3433 is as follows:

H.R. 3433

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 ''Ticket to Work and Self-Sufficiency Act of 1998''.

SEC. 2. THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

''THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

''SEC. 1147. (a) IN GENERAL.—The Commissioner of Social Security shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to such beneficiary.

''(b) TICKET SYSTEM.—

''(1) DISTRIBUTION OF TICKETS.—The Commissioner of Social Security may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

''(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

''(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may agree to provide to the beneficiary.

''(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

''(c) STATE PARTICIPATION.—

''(1) PERIODIC ELECTIONS.—Each State agency described in section 222 or 1615 may elect to participate in the Program (or to revoke any such election) as an employment network. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

''(2) TREATMENT OF STATE AGENCIES.—Any such election (or revocation) by a State agency described in section 222 or 1615 taking effect during any period for which an individual residing in the State is a disabled beneficiary and a client of the State agency shall not be effective with respect to such individual to the extent that such election (or revocation) would result in any change in the method of payment to the State agency with respect to the individual from the method of payment to the State agency with respect to the individual in effect immediately before such election (or revocation).

''(3) EFFECT OF PARTICIPATION BY STATE AGENCY.—

''(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in section 222 or 1615 elects under paragraph (1) to participate in the Program—

''(i) the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973, and

''(ii) the provisions of section 222(d) and the provisions of section 1615 shall not apply with respect to such State.

''(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

''(d) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

''(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner of Social Security shall enter into agreements with one or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation or employment services.

''(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include (but are not limited to)—

''(A) measures for ease of access by beneficiaries to services, and

''(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

''(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

''(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement, and

''(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

''(4) SELECTION OF EMPLOYMENT NETWORKS.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

''(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS..—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

''(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall take into account the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure the performance of periodic surveys of beneficiaries receiving services under the Program designed to measure customer service satisfaction.

''(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks and between program managers and employment networks. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

''(e) PROGRAM MANAGERS.—

''(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

''(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

''(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by

the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public.

''(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment networks provide employment services, vocational rehabilitation services, or other support services to beneficiaries throughout specified service areas, including rural areas.

''(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving their services under the Program has reasonable access to employment services, vocational rehabilitation services, or other support services. Such services may include case management, career planning, career plan development, vocational assessment, job training, placement, follow-up services, and such other services as may be specified by the Commissioner under the Program.

''(f) EMPLOYMENT NETWORKS.—

''(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity, which assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b). No employment network may serve under the Program unless it demonstrates to the Commissioner substantial expertise and experience in the field of employment services, vocational rehabilitation services, or other support services for individuals with disabilities and provides an array of such services. An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

''(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

''(A) serve prescribed service areas,

''(B) meet, and maintain compliance with, both general selection criteria (such as professional and governmental certification and educational credentials) and specific selection criteria (such as the extent of work experience by the provider with specific populations), and

''(C) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual employment plans meeting the requirements of subsection (g).

''(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

''(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network pertaining to the beneficiary. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

''(g) INDIVIDUAL EMPLOYMENT PLANS.—

''(1) IN GENERAL.—Each employment network shall—

''(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual employment plans as defined by the Commissioner, and

''(B) develop and implement each such individual employment plan, in the case of each beneficiary receiving such services, in a manner that affords such beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal.

A beneficiary's individual employment plan shall take effect upon approval by the beneficiary.

''(2) EMPLOYMENT EVALUATION.—In devising the employment plan, the employment network shall undertake an employment evaluation with respect to the beneficiary. Each employment evaluation shall set forth in writing such elements and shall be in such format as the Commissioner shall prescribe.

''(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

''(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

''(B) METHOD OF PAYMENT TO EMPLOYMENT NETWORKS.—Any such election by an employment network taking effect during any period for which a disabled beneficiary is receiving services from such employment network shall not be effective with respect to such beneficiary to the extent that such election would result in any change in the method of payment to the employment network with respect to services provided to such beneficiary from the method of payment to the employment network with respect to services provided to such beneficiary as of immediately before such election.

''(2) OUTCOME PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network, in connection with each individual who is a beneficiary, for each month described in paragraph (4)(B) in connection with such individual which occurs during the individual's outcome payment period.

''(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

''(i) the payment for each of the 60 months during the outcome payment period which are described in paragraph (4)(B) is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs, and

''(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

''(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for one or more milestones, with respect to beneficiaries receiving services from an employment network under the Program, which are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure which provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

''(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

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

''(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

''(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year, and

''(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) to all beneficiaries having attained 18 years of age for months during the preceding calendar year.

''(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with an individual who is a disabled beneficiary, a period—

''(i) beginning with the first month—

''(I) for which benefits are not payable to such individual by reason of engagement in substantial gainful activity, and

''(II) which ends after such beneficiary has assigned a ticket to work and self-sufficiency to an employment network, and

''(ii) ending with the 60th month (consecutive or otherwise) following the first month for which benefits are not payable to such individual by reason of engagement in work activity.

''(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

''(A) PERCENTAGES AND PERIODS.—The Commissioner of Social Security shall periodically review the percentages specified in paragraphs (2)(C) and (3)(C) and the period of time specified in paragraph (4)(B) to determine whether such percentages and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter any of such percentages or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

''(B) NUMBER AND AMOUNT OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to determine whether to allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Ticket to Work and Self-Sufficiency Advisory Panel, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Ticket to Work and Self-Sufficiency Advisory Panel, or other reliable sources.

''(i) AUTHORIZATIONS.—

''(1) TITLE II DISABILITY BENEFICIARIES.—There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund each fiscal year such sums as may be necessary to carry out the provisions of this section with respect to title II disability beneficiaries. Money paid from the Trust Funds under this section with respect to title II disability beneficiaries who are entitled to benefits under section 223 or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such beneficiaries, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this section shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund. The Commissioner of Social Security shall determine according to such methods and procedures as shall be prescribed under this section—

''(A) the total amount to be paid to program managers and employment networks under this section, and

''(B) subject to the provisions of the preceding sentence, the amount which should be charged to each of the Trust Funds.

''(2) TITLE XVI DISABILITY BENEFICIARIES.—Amounts authorized to be appropriated to the Social Security Administration under section 1601 (as in effect pursuant to the amendments made by section 301 of the Social Security Amendments of 1972) shall include amounts necessary to carry out the provisions of this section with respect to title XVI disability beneficiaries.

''(j) DEFINITIONS.—For purposes of this section—

''(1) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

''(2) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

''(3) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

''(k) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as are necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 222(a) of such Act (42 U.S.C. 422(a)) is repealed.

(B) Section 222(b) of such Act is repealed.

(C) Section 225(b)(1) of such Act (42 U.S.C. 425(b)(1)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1147 or another program of vocational rehabilitation services, employment services, or other support services''.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of such Act (42 U.S.C. 1382d(a)) is amended to read as follows:

''SEC. 1615. (a) In the case of any blind or disabled individual who—

''(1) has not attained age 16, and

''(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.''.

(B) Section 1615(c) of such Act is repealed.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following one year after the date of the enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 360 days after the date of the enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(B) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the Program is fully implemented as soon as practicable on or after the effective date specified in subsection (c) but not later than six years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) METHODOLOGY.—

(i) DESIGN AND IMPLEMENTATION.—The Commissioner shall design the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation. In designing and carrying out such evaluations, the Commissioner shall consult with the Comptroller General of the United States and other agencies of the Federal Government and with private organizations with appropriate expertise. Before provision of services begins under any phase of Program implementation, the Commissioner shall ensure that plans for such evaluations and data collection methods are in place and ready for implementation.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to):

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to disabled beneficiaries;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system; and

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program.

(C) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(e) THE TICKET TO WORK AND SELF-SUFFICIENCY ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established in the Social Security Administration a panel to be known as the ''Ticket to Work and Self-Sufficiency Advisory Panel'' (in this subsection referred to as the ''Panel'').

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the Commissioner of Social Security on establishing phase-in sites for the Ticket to Work and Self-Sufficiency Program and on fully implementing the Program thereafter,

(B) advise the Commissioner with respect to the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program,

(C) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to subsection (h), and

(D) furnish progress reports on the Program to the President and each House of the Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 6 members as follows:

(i) 1 member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives;

(ii) 1 member appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives;

(iii) 1 member appointed by the Chairman of the Committee on Finance of the Senate;

(iv) 1 member appointed by the ranking minority member of the Committee on Finance of the Senate; and

(v) 2 members appointed by the President, not more than 1 of whom may be of the same political party.

(B) REPRESENTATION.—Of the members appointed under subparagraph (A)—

(i) at least one shall represent the interests of recipients of employment services, vocational rehabilitation services, and other support services,

(ii) at least one shall represent the interests of providers of employment services, vocational rehabilitation services, and other support services, and

(iii) at least one shall represent the interests of private employers.

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii).

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(I) 3 of the members appointed under subparagraph (A) shall be appointed for a term of 2 years, and

(II) 3 of the members appointed under subparagraph (A) shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate equal to the daily equivalent of the rate of basic pay for level 4 of the Senior Executive Service, as in effect from time to time under section 5382 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Panel.

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—4 members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Panel. The Director shall be paid at a rate not to exceed the maximum rate of pay payable for GS–15 of the General Schedule.

(B) STAFF.—Subject to rules prescribed by the Panel, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Panel, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(D) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, the administrative support services necessary for the Panel to carry out its duties under this subsection.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and the Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and the Congress not later than eight years after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the general fund of the Treasury, as appropriate, such sums as are necessary to carry out this subsection.

(f) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include (but are not limited to)—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to existing beneficiaries pursuant to section 1147(b)(1) of such Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1147(c)(1) of such Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1147(c)(2) at the time that State agencies exercise elections (and revocations) under such section 1147(c)(1);

(E) the terms of agreements to be entered into with program managers pursuant to section 1147(d) of such Act, including (but not limited to)—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1147(d)(3) of such Act,

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1147(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1147(e), and

(iii) the format under which dispute resolution will operate under section 1147(d)(7).

(F) the terms of agreements to be entered into with employment networks pursuant to section 1147(d)(4) of such Act, including (but not limited to)—

(i) the manner in which service areas are specified pursuant to section 1147(f)(2)(A) of such Act,

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1147(f)(2)(B) of such Act in selecting service providers,

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1147(f)(3) of such Act, and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1147(f)(4) of such Act;

(G) standards which must be met by individual employment plans pursuant to section 1147(g) of such Act;

(H) standards which must be met by payment systems required under section 1147(h) of such Act, including (but not limited to)—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1147(h)(1)(A),

(ii) the terms which must be met by an outcome payment system under section 1147(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1147(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1147(h) of such Act or the period of time specified in paragraph (4)(B) of such section 1147(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(g) WORK INCENTIVE SPECIALISTS.—The Commissioner shall establish a corps of trained, accessible, and responsive work incentive specialists to specialize in title II and title XVI disability work incentives for the purpose of disseminating accurate information to disabled beneficiaries (as defined in section 1147(j)(1) of the Social Security Act as amended by this Act) with respect to inquiries and issues relating to work incentives.

(h) DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS. —

(1) AUTHORITY.—The Commissioner shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1147(j)(2) of the Social Security Act, as amended by this Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(2) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(A) IN GENERAL.—The demonstration projects developed under paragraph (1) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(i) the effects, if any, of induced entry and reduced exit,

(ii) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program, and

(iii) the savings that accrue to the Trust Funds under the project being tested.

The Commissioner shall take into account advice provided by the Ticket to Work and Self-Sufficiency Advisory Panel pursuant to subsection (e)(2)(C).

(B) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(i) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project,

(ii) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project, and

(iii) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

(3) WAIVERS.—The Commissioner may waive compliance with the benefit requirements of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of such Act, in so far as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in paragraph (1).

(4) INTERIM REPORTS.—On or before June 9 in 2000 and each of the succeeding years thereafter, the Commissioner shall submit to the Congress an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials which the Commissioner may consider appropriate.

(5) FINAL REPORT.—The Commissioner shall submit to the Congress a final report with respect to all experiments and demonstration projects carried out under this section no later than one year after their completion.

(6) EXPENDITURES.—Expenditures made for demonstration projects under this subsection shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 3. EXTENDING MEDICARE COVERAGE FOR OASDI DISABILITY BENEFIT RECIPIENTS WHO ARE USING TICKETS TO WORK AND SELF-SUFFICIENCY.

(a) IN GENERAL.—The next to last sentence of section 226(b) of the Social Security Act (42 U.S.C. 426) is amended—

(1) by striking ''throughout all of which'' and inserting ''throughout the first 24 months of which'', and

(2) by inserting after ''but not in excess of 24 such months'' the following: ''(plus 24 additional such months in the case of an individual who the Commissioner determines is using a ticket to work and self-sufficiency issued under section 1147, but only for additional months that occur in the 7-year period beginning on the date of the enactment of the Ticket to Work and Self-Sufficiency Act of 1998)''.

(b) REPORT.—Not later than 6 months prior to the end of the 7-year period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services and the Commissioner of Social Security shall submit in writing to each House of the Congress their recommendations for further legislative action with respect to the amendments made by subsection (a), taking into account experience derived from efforts to achieve full implementation of the Ticket to Work and Self Sufficiency Program under section 1147 of the Social Security Act.

SEC. 4. CREDIT FOR IMPAIRMENT-RELATED WORK EXPENSES OF HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. IMPAIRMENT-RELATED WORK EXPENSES OF HANDICAPPED INDIVIDUALS.

''(a) ALLOWANCE OF CREDIT.—In the case of a handicapped individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the impairment-related work expenses which are paid or incurred by the taxpayer during the taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) with respect to the expenses of each handicapped individual shall not exceed $5,000 for the taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' has the meaning given such term by section 190(b)(3).

''(2) IMPAIRMENT-RELATED WORK EXPENSES.—The term 'impairment-related work expenses' means expenses—

''(A) of a handicapped individual for attendant care services at the individual's place of employment and other expenses in connection with such place of employment which are necessary for such individual to be able to work, and

''(B) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—The amount of impairment-related work expenses which is allowable as a deduction under section 162 (determined without regard to this paragraph) for the taxable year shall be reduced by the amount of credit allowed under this section for such year.

''(2) ELECTION TO HAVE SECTION NOT APPLY.—No credit shall be allowed under subsection (a) for the taxable year if the taxpayer elects to not have this section apply for such year.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Impairment-related work expenses of handicapped individuals.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

The SPEAKER pro tempore. Pursuant to House Resolution 450 the amendment printed in the bill, modified by the amendment printed in House Report 105–553, is adopted.

The text of H.R. 3433, as amended pursuant to House Resolution 450, is as follows:

H.R. 3433

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ticket to Work and Self-Sufficiency Act of 1998''.

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

Sec. 1. Short title and table of contents.
Sec. 2. The Ticket to Work and Self-Sufficiency Program.
Sec. 3. Extending medicare coverage for OASDI disability benefit recipients who are using tickets to work and self-sufficiency.
Sec. 4. Technical amendments relating to drug addicts and alcoholics.
Sec. 5. Extension of disability insurance program demonstration project authority.
Sec. 6. Perfecting amendments related to withholding from social security benefits.
Sec. 7. Treatment of prisoners.
Sec. 8. Revocation by members of the clergy of exemption from social security coverage.
Sec. 9. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.

SEC. 2. THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

''THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

''SEC. 1147. (a) IN GENERAL.—The Commissioner of Social Security shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to such beneficiary.

''(b) TICKET SYSTEM.—

''(1) DISTRIBUTION OF TICKETS.—The Commissioner of Social Security may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

''(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

''(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

''(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

''(c) STATE PARTICIPATION.—

''(1) PERIODIC ELECTIONS.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation act of 1973 may elect to participate in the Program (or to revoke any such election) as an employment network. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

''(2) TREATMENT OF STATE AGENCIES.—Any such election (or revocation) by a State agency described in paragraph (1) taking effect during any period for which an individual residing in the State is a disabled beneficiary and a client of the State agency shall not be effective with respect to such individual to the extent that such election (or revocation) would result in any change in the method of payment to the State agency with respect to the individual from the method of payment to the State agency with respect to the individual in effect immediately before such election (or revocation).

''(3) EFFECT OF PARTICIPATION BY STATE AGENCY.—

''(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under paragraph (1) to participate in the Program—

''(i) the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973, and

''(ii) the provisions of section 222(d) and the provisions of subsections (d) and (e) of section 1615 shall not apply with respect to such State.

''(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

''(4) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

''(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B).

''(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

''(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

''(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary, and

''(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h), and

''(ii) any other conditions that may be required by such regulations.

''(C) REGULATIONS.—The Commissioner of Social Security and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

''(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the contract required under subparagraph (A) or without having entered into such a contract.

''(d) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

''(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner of Social Security shall enter into agreements with one or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation or employment services.

''(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include (but are not limited to)—

''(A) measures for ease of access by beneficiaries to services, and

''(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

''(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

''(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement, and

''(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

''(4) SELECTION OF EMPLOYMENT NETWORKS.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

''(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

''(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall take into account the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure the performance of periodic surveys of beneficiaries receiving services under the Program designed to measure customer service satisfaction.

''(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks and between program managers and employment networks. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

''(e) PROGRAM MANAGERS.—

''(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

''(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

''(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible format.

''(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure

that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

''(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Such services may include case management, benefits counseling, supported employment, career planning, career plan development, vocational assessment, job training, placement, follow-up services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are coordinated.

''(f) EMPLOYMENT NETWORKS.—

''(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity, which assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b). No employment network may serve under the Program unless it demonstrates to the Commissioner substantial expertise and experience in the field of employment services, vocational rehabilitation services, or other support services for individuals with disabilities and provides an array of such services. An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

''(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

''(A) serve prescribed service areas,

''(B) meet, and maintain compliance with, both general selection criteria (such as professional and governmental certification and educational credentials) and specific selection criteria (such as the extent of work experience by the provider with specific populations), and

''(C) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

''(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

''(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network pertaining to the beneficiary. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

''(g) INDIVIDUAL WORK PLANS.—

''(1) IN GENERAL.—Each employment network shall—

''(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans as defined by the Commissioner, and

''(B) develop and implement each such individual work plan, in the case of each beneficiary receiving such services, in a manner that affords such beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal.

A beneficiary's individual work plan shall take effect upon approval by the beneficiary.

''(2) VOCATIONAL EVALUATION.—In devising the work plan, the employment network shall undertake a vocational evaluation with respect to the beneficiary. Each vocational evaluation shall set forth in writing such elements and shall be in such format as the Commissioner shall prescribe. The Commissioner may provide for waiver by the beneficiary of such a vocational evaluation, subject to regulations which shall be prescribed by the Commissioner providing for the permissible timing of, and the circumstances permitting, such a waiver.

''(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

''(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

''(B) METHOD OF PAYMENT TO EMPLOYMENT NETWORKS.—Any such election by an employment network taking effect during any period for which a disabled beneficiary is receiving services from such employment network shall not be effective with respect to such beneficiary to the extent that such election would result in any change in the method of payment to the employment network with respect to services provided to such beneficiary from the method of payment to the employment network with respect to services provided to such beneficiary as of immediately before such election.

''(2) OUTCOME PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network, in connection with each individual who is a beneficiary, for each month, during the individual's outcome payment period, for which benefits (described in paragraphs (2) and (3) of subsection (k)) are not payable to such individual.

''(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

''(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (2) and (3) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs, and

''(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

''(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for one or more milestones, with respect to beneficiaries receiving services from an employment network under the Program, which are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure which provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

''(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

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

''(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

''(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year, and

''(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained at least 18 years of age.

''(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

''(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (2) and (3) of subsection (k)) are not payable to such individual by reason of engagement in work activity, and

''(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in work activity.

''(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

''(A) PERCENTAGES AND PERIODS.—The Commissioner of Social Security shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

''(B) NUMBER AND AMOUNT OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Ticket to Work and Self-Sufficiency Advisory Panel, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Ticket to Work and Self-Sufficiency Advisory Panel, or other reliable sources.

''(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

''(j) AUTHORIZATIONS.—

''(1) TITLE II DISABILITY BENEFICIARIES.—There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund each fiscal year such sums as may be necessary to carry out the provisions of this section with respect to title II disability beneficiaries. Money paid from the Trust Funds under this section with respect to title II disability beneficiaries who are entitled to benefits under section 223 or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such beneficiaries, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this section shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund. The Commissioner of Social Security shall determine according to such methods and procedures as shall be prescribed under this section—

''(A) the total amount to be paid to program managers and employment networks under this section, and

''(B) subject to the provisions of the preceding sentence, the amount which should be charged to each of the Trust Funds.

''(2) TITLE XVI DISABILITY BENEFICIARIES.—Amounts authorized to be appropriated to the Social Security Administration under section 1601 (as in effect pursuant to the amendments made by section 301 of the Social Security Amendments of 1972) shall include amounts necessary to carry out the provisions of this section with respect to title XVI disability beneficiaries.

''(k) DEFINITIONS.—For purposes of this section—

''(1) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

''(2) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

''(3) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

''(4) SUPPLEMENTAL SECURITY INCOME BENEFIT.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

''(l) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as are necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(c) of such Act (42 U.S.C. 421(c)) is amended by adding at the end the following new paragraph:

''(4) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1147(i).''.

(B) Section 222(a) of such Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of such Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of such Act (42 U.S.C. 425(b)(1)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1147 or another program of vocational rehabilitation services, employment services, or other support services''.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of such Act (42 U.S.C. 1382d(a)) is amended to read as follows:

''SEC. 1615. (a) In the case of any blind or disabled individual who—

''(1) has not attained age 16, and

''(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.''.

(B) Section 1615(c) of such Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of such Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1147 or another program of vocational rehabilitation services, employment services, or other support services''.

(D) Section 1633(c) of such Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting ''(1)'' after ''(c)''; and

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

''(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1147(i).''.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following one year after the date of the enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the Program is fully implemented as soon as practicable on or after the effective date specified in subsection (c) but not later than six years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) METHODOLOGY.—

(i) DESIGN AND IMPLEMENTATION.—The Commissioner shall design the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program. In designing and carrying out such evaluations, the Commissioner shall consult with the Comptroller General of the United States and other agencies of the Federal Government and with private organizations with appropriate expertise. Before provision of services begins under any phase of Program implementation, the Commissioner shall ensure that plans for such evaluations and data collection methods are in place and ready for implementation.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to):

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to disabled beneficiaries;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to

use their tickets or their inability to return to work despite the use of thier tickets.

(C) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of such Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of the enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after six years after the effective date provided in subsection (c).

(e) THE TICKET TO WORK AND SELF-SUFFICIENCY ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established in the executive branch a panel to be known as the ''Ticket to Work and Self-Sufficiency Advisory Panel'' (in this subsection referred to as the ''Panel'').

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the Commissioner of Social Security on establishing phase-in sites for the Ticket to Work and Self-Sufficiency Program and on fully implementing the Program thereafter,

(B) advise the Commissioner with respect to the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program,

(C) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to subsection (h),

(D) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1147(d)(6) of the Social Security Act, and

(E) furnish progress reports on the Program to the President and each House of the Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 6 members as follows:

(i) 1 member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives;

(ii) 1 member appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives;

(iii) 1 member appointed by the Chairman of the Committee on Finance of the Senate;

(iv) 1 member appointed by the ranking minority member of the Committee on Finance of the Senate; and

(v) 2 members appointed by the President, who may not be of the same political party.

(B) REPRESENTATION.—Of the members appointed under subparagraph (A), at least 4 shall have experience or expert knowledge as a recipient, provider, employer, or employee in the fields of, or related to, employment services, vocational rehabilitation services, and other support services, of whom—

(i) at least one shall represent the interests of recipients of employment services, vocational rehabilitation services, and other support services,

(ii) at least one shall represent the interests of providers of employment services, vocational rehabilitation services, and other support services,

(iii) at least one shall represent the interests of private employers,

(iv) at least one shall represent the interests of employees, and

(v) at least one shall be an individual who is or has been a recipient of benefits under title II or title XVI based on disability.

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(I) 3 of the members appointed under subparagraph (A) shall be appointed for a term of 2 years, and

(II) 3 of the members appointed under subparagraph (A) shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate equal to the daily equivalent of the rate of basic pay for level 4 of the Senior Executive Service, as in effect from time to time under section 5382 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Panel.

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—4 members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Panel. The Director shall be paid at a rate not to exceed the maximum rate of pay payable for GS–15 of the General Schedule.

(B) STAFF.—Subject to rules prescribed by the Panel, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Panel, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(D) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, the administrative support services necessary for the Panel to carry out its duties under this subsection.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and the Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and the Congress not later than eight years after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the general fund of the Treasury, as appropriate, such sums as are necessary to carry out this subsection.

(f) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include (but are not limited to)—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1147(b)(1) of such Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1147(c)(1) of such Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1147(c)(2) at the time that State agencies exercise elections (and revocations) under such section 1147(c)(1);

(E) the terms of agreements to be entered into with program managers pursuant to section 1147(d) of such Act, including (but not limited to)—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1147(d)(3) of such Act,

(ii) standards which must be met by quality assurance measures referred to in paragraph (6)

of section 1147(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1147(e), and

(iii) the format under which dispute resolution will operate under section 1147(d)(7).

(F) the terms of agreements to be entered into with employment networks pursuant to section 1147(d)(4) of such Act, including (but not limited to)—

(i) the manner in which service areas are specified pursuant to section 1147(f)(2)(A) of such Act,

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1147(f)(2)(B) of such Act in selecting service providers,

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1147(f)(3) of such Act, and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1147(f)(4) of such Act;

(G) standards which must be met by individual work plans pursuant to section 1147(g) of such Act;

(H) standards which must be met by payment systems required under section 1147(h) of such Act, including (but not limited to)—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1147(h)(1)(A),

(ii) the terms which must be met by an outcome payment system under section 1147(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1147(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1147(h) of such Act or the period of time specified in paragraph (4)(B) of such section 1147(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(g) WORK INCENTIVE SPECIALISTS.—The Commissioner shall establish a corps of trained, accessible, and responsive work incentive specialists to specialize in title II and title XVI disability work incentives for the purpose of disseminating accurate information to disabled beneficiaries (as defined in section 1147(k)(1) of the Social Security Act as amended by this Act) with respect to inquiries and issues relating to work incentives.

(h) DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS. —

(1) AUTHORITY.—The Commissioner shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1147(k)(2) of the Social Security Act, as amended by this Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(2) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(A) IN GENERAL.—The demonstration projects developed under paragraph (1) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(i) the effects, if any, of induced entry and reduced exit,

(ii) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program, and

(iii) the savings that accrue to the Trust Funds and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Ticket to Work and Self-Sufficiency Advisory Panel pursuant to subsection (e)(2)(C).

(B) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(i) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project,

(ii) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project, and

(iii) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(3) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of such Act, in so far as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in paragraph (1).

(4) INTERIM REPORTS.—On or before June 9 in 2000 and each of the succeeding years thereafter, the Commissioner shall submit to the Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials which the Commissioner may consider appropriate.

(5) FINAL REPORT.—The Commissioner shall submit to the Congress a final report with respect to all demonstration projects carried out under this section no later than one year after their completion.

(6) EXPENDITURES.—Expenditures made for demonstration projects under this subsection shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

(i) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities under the Ticket to Work and Self-Sufficiency Program.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General may determine to be appropriate.

(j) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of such Act.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General may determine to be appropriate.

SEC. 3. EXTENDING MEDICARE COVERAGE FOR OASDI DISABILITY BENEFIT RECIPIENTS WHO ARE USING TICKETS TO WORK AND SELF-SUFFICIENCY.

(a) IN GENERAL.—The next to last sentence of section 226(b) of the Social Security Act (42 U.S.C. 426) is amended—

(1) by striking ''throughout all of which'' and inserting ''throughout the first 24 months of which'', and

(2) by inserting after ''but not in excess of 24 such months'' the following: ''(plus 24 additional such months in the case of an individual who the Commissioner determines is using a ticket to work and self-sufficiency issued under section 1147, but only for additional months that occur in the 7-year period beginning on the date of the enactment of the Ticket to Work and Self-Sufficiency Act of 1998)''.

(b) REPORT.—Not later than 6 months prior to the end of the 7-year period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services and the Commissioner of Social Security shall submit in writing to each House of the Congress their recommendations for further legislative action with respect to the amendments made by subsection (a), taking into account experience derived from efforts to achieve full implementation of the Ticket to Work and Self Sufficiency Program under section 1147 of the Social Security Act.

SEC. 4. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking ''by the Commissioner of Social Security'' and ''by the Commissioner''; and

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

''(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

''(i) there is pending a request for either administrative or judicial review with respect to such claim, or

''(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

''(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.''.

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

''(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

''(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

''(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 5. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: ''The Commissioner may expand the scope of any such demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.'';

(2) in paragraph (3) of subsection (a), by striking ''June 10, 1996'' and inserting ''June 10, 2001'';

(3) in paragraph (4) of subsection (a), by inserting ''and on or before October 1, 2000,'' after ''1995,''; and

(4) in subsection (c), by striking ''October 1, 1996'' and inserting ''October 1, 2001''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 6. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

''(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit or such person's representative payee.''.

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee'';

(2) by inserting before the period at the end of paragraph (1)(A) the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee'';

(3) in paragraph (1)(B)(i)(I), by striking ''subparagraph (A)),'' and inserting ''subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee,'';

(4) in paragraph (1)(C)(iii), by inserting before the period the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee'';

(5) in paragraph (1)(D), by inserting after ''section 232'' the following: ''and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)''; and

(6) in paragraph (4), by inserting after the first sentence the following: ''The Board of Trustees of such Trust Funds shall prescribe the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to benefits paid on or after the first day of the second month beginning after the month in which this Act is enacted.

SEC. 7. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

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

''(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

''(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

''(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

''(iii) The provisions of section 552a of title 5, United States Code, shall not apply to any agreement entered into under clause (i) or to information exchanged pursuant to such agreement.

''(iv) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

''(v) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility purposes.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of such Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''during'' and inserting ''throughout'';

(B) in clause (i), by striking ''an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)'' and inserting ''a criminal offense''; and

(C) in clause (ii)(I), by striking ''an offense punishable by imprisonment for more than 1 year'' and inserting ''a criminal offense''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting ''(subject to reduction under clause (ii))'' after ''$400'' and after ''$200'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following new clause:

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).''.

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking ''institution'' and all that follows through ''section 202(x)(1)(A),'' and inserting ''institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii)(IV), by striking the period and inserting '', or''; and

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

''(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.''.

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of such Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

SEC 8. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed in regulations made under chapter 2 of such Code), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1998. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1998, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding section 1402 (c)(4) or (c)(5) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1998, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 9. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking ''title XVI'' and inserting ''title II or XVI''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from New York (Mr. RANGEL), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. ARCHER) and the gentlewoman from Connecticut (Mrs. KENNELLY) each will control 30 minutes of debate on the bill.

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

GENERAL LEAVE

Mr. ARCHER. 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. 3433.

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

There was no objection.

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

Mr. Speaker, the Social Security disability program provides essential income to those who are unable to work due to severe illness or injury. Last year, benefits were paid to more than 6.1 million workers, their wives, and their children.

Since arriving on Capitol Hill 27 years ago, I have worked to make this complex, and often very unfriendly, program work better.

That is why I am so pleased today that my effort has been carried forward by the fine work of the gentleman from Kentucky (Mr. BUNNING) our subcommittee chairman and the gentlewoman from Connecticut (Mrs. KENNELLY) the ranking minority member, as well as all of the other members of the Subcommittee on Social Security who have created this important bipartisan legislation aimed at providing real opportunities for those who want to work.

Mr. Speaker, so often we hear about the cacophony of this body, the fractionalism, the partisanship. It is to be noted that here we are doing something together, reaching across the aisle, without distinction as to party, to help give opportunity to those who are disabled.

Most of those receiving disability benefits, due to the severity of their impairments, cannot attempt to work. Today, however, the Americans with Disabilities Act, along with advances in assistive technology, medical treatment, and rehabilitation therapies are opening doors of opportunity, never thought possible, to individuals with disabilities.

Yet current law still tends to chain these disabled persons to an outmoded system, through complex, so-called work incentives. In essence, individuals who try to work lose cash benefits along with access to medical coverage which they so desperately need while they make the move to self-sufficiency.

This legislation will finally help beneficiaries pass through these new doors of opportunity. We are, I believe, our brothers' and sisters' keepers. I consider it very important for us to provide the support which permits disabled individuals the freedom to reach their utmost potential.

This bill, as I mentioned, is bipartisan and is supported by the administration. It also is supported by individuals with disabilities, their advocates, rehabilitation service providers, and many others.

This, therefore, is a proud day for the Committee on Ways and Means and for the House of Representatives. America stands for opportunity. Today we rise together to provide greater opportunities for those individuals with disabilities who want to be gainfully employed.

I know all of my colleagues will join me with pride in support of this pivotal legislation.

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

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I would like to do a few things before I make my statement. First, I would like to make reference to the letter, the statement of the administration on this bill that we have before us today, President Bill Clinton and his administration. The letter states:

The Administration supports H.R. 3433, and is pleased that the House is taking action on

the critical issue of making it possible for more people with disabilities to return to or enter the workforce. H.R. 3433 would implement a Presidential initiative to increase flexibility and choice for individuals with disabilities who seek services to help them successfully return to work. This is an Administration priority, as reflected in the President's March 13th Executive Order that established a task force of Federal agencies to identify additional actions required to increase the employment of adults with disabilities.

Bill Clinton, his administration supports this bill.

Mr. Speaker, I would like to take this opportunity to thank the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) for allowing the committee to take the time, and the staff effort for bringing this bill forth today so it could be on the floor. I would like to also thank Mr. Tony Young from the United Cerebral Palsy agency for his time and his effort and being with us not only to testify at the hearings but at the various other meetings that we had, the United Cerebral Palsy Association is behind this bill, but he has been remarkable in his efforts in supporting this and making sure that every single ''I'' was dotted and all the work was done as an advocate for disabilities. I would also like to thank Marty Ford from AARP for the work that she did, the support that she found for us, and I obviously want to thank the gentleman from Kentucky (Mr. BUNNING) the chairman of the Subcommittee on Social Security for his efforts. We would not be here if it was not for him today. He was so wonderful in making sure all the advocates were able to come forth and to show us exactly what happens in the day-to-day life of those with disabilities and what we had to do in this legislation to make their lives that much better.

And so, Mr. Speaker, we are here today to send a very, very simple message. That message is that a disability should not mean retirement. Americans with disabilities have tremendous skills, talents and abilities that are very, very, very important to employers. This legislation, therefore, attempts to help people voluntarily to return to work after they have suffered a disability.

Mr. Speaker, more than 6 million Americans now receive Social Security disability insurance. These people, Mr. Speaker, have paid taxes into public insurance and into the system and they have a right to these benefits to protect them against the loss of income due to retirement or disability.

Another 4 million adults with disabilities receive SSI payments, which are designed to keep low-income Americans who have disabilities from having to live below the poverty line. And so we have these 10 million people being addressed in this legislation today.

There can be no doubt that these are worthwhile programs that millions of Americans depend on. But it is also equally true that given the choice, many of these individuals who have disabilities would much rather be working. However, Americans with disabilities now find a multitude of barriers standing between them and a job. The loss of disability benefits, the need for training in a different profession, difficulty in learning how to do a new job if in fact you did one particular type of work, then had your accident or your sickness, then going back into the workforce, could not do that job that you had previously done but you could get the training to do a new job, this would make all the difference in the world to somebody with a disability. Obviously, there is another fear, the great fear of losing medical coverage. This very definitely can stand in the way of many individuals when daring to go back into the workforce because they have that fear that if they go back in, they might not be able to make it and then they would lose their health care. Obviously this is something that we had to address and we did in this bill.

This legislation we are now considering would reduce the severity of some of these impediments to work. For example, the legislation would provide recipients with a much greater choice in vocational rehabilitation providers who help train and find jobs for individuals with disabilities. Additionally, the measure would provide a clear incentive for these providers to help beneficiaries not only get jobs but also to stay in them since provider payments would be based on a person's work history over a 5-year period.

□ 1615

This bill would also provide continued Medicare coverage for those leaving the SSDI rolls for work. More specifically, the legislation would guarantee Medicare coverage for at least 6 years after that individual went off disability and returned to the work rolls. Six years sounds like a long time, but if you have a serious disability, it is the time that you need, and this is an additional 2 years. We have under present law 4 years of disability, 4 years of Medicare if you have a disability. This increases that number of years to 6 years.

And, finally, the legislation would test the idea of gradually reducing SSDI benefits for individuals who leave the disability rolls for work rather than immediately ending their benefits of any month in which they earn more than $500, as is the case under current law. In other words, what we want to examine is the possibility of providing a ramp to get off disability benefits rather than all of a sudden $500 a month and a cliff and they are off.

We do not offer this legislation as the last word in helping individuals voluntarily leave the disability rolls for work, but we do see this bill as a very constructive first step toward opening the doors of employment a little wider for people with disabilities, a little larger chance to get back into the mainstream, one opportunity more to make sure that they could go back to where they want to be.

And let me once again point out that even if this bill only increases, only increases the number of people leaving the disability rolls for work by 1 percent, we would save the Social Security system $3 billion. Now that sounds almost imaginable. You cannot imagine that, Mr. Speaker; but the fact of the matter is, under the present system we are losing $3 billion a year for the system if we do not get at least 1 percent off the rolls.

So this bill is truly a win-win proposition. It will help people work, and it will strengthen the Social Security system.

Before I conclude, let me once again thank the gentleman from Kentucky (Mr. BUNNING) without whom we would not be here, because he called those meetings, he kept us at those meetings, he listened to the advocates from around the country bring their testimony to the Congress to show what we had to do.

I have enjoyed working with the chairman of the subcommittee, and I really think, I say to the gentleman from Kentucky (Mr. BUNNING) that we have reduced some of those barriers that are so impossible for people to get beyond to get back to work where they want to be. And I thank the gentleman very much for letting me work with him, for both of us working together, and I am pleased and delighted that this bill is on the floor today.

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

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

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

Mr. BUNNING. Mr. Speaker, I want to thank the ranking member, the gentlewoman from Connecticut (Mrs. KENNELLY) for her input on this bill and particularly the staffs who worked very well in cooperation to make it complete.

Sandy, thank you very much; and we appreciate all the hard work Kim and others on our side have done.

The Social Security program is vitally important, as everyone knows, to all Americans. The disability program is particularly critical in protecting those workers and their families who become smitten by an incapacitating illness or accident.

Through our Subcommittee on Social Security hearings over the last 3 years we have been told over and over by individuals with disabilities, their advocates, rehabilitation experts and various providers of services that, due to advances in medicine, technology and the field of rehabilitation, many individuals with disabilities want to work and they believe they could work if provided needed rehabilitation and support services and if the program could be changed to remove the barriers preventing beneficiaries from becoming self-sufficient through employment.

Topping the list, and we have heard it before, is the fear of losing health care coverage and cash benefits. Another disincentive is that beneficiaries currently have limited choices in selecting rehabilitation services and who provides those services.

The gentlewoman from Connecticut (Mrs. KENNELLY) and I, along with all of the members of the subcommittee, have worked very hard on a bipartisan basis and with the administration to replace disincentives with real incentives. Our legislation empowers beneficiaries first by allowing them to choose the public or private provider of services which best suits their needs and to choose the type of services most likely to assist them in entering the work force. The bill pays providers of services for results by permitting them to share in the savings to the Social Security Trust Funds incurred when the beneficiary is working and no longer receiving benefits. The provider payment system is designed to ensure that as many providers as possible are available to beneficiaries.

To address one of the primary obstacles facing disability beneficiaries who attempt to work, our bill extends, as we have heard before, Medicare coverage for an additional 2 years for those who participate in the program. To help beneficiaries who have mental disabilities or chronic conditions transition into work, our bill includes a requirement that SSA test a gradual offset of disability cash benefits by reducing benefits $1 for every 2 earned over a determined level.

The Subcommittee on Social Security has crafted a solid bill, a bill that, according to preliminary CBO estimates, will more than quadruple the number of beneficiaries who will receive rehabilitation and other support services as the program is implemented. In addition, this bill will save the Social Security Trust Funds and general revenues millions of dollars over the years.

Let me make one point perfectly clear. This is a voluntary program providing real opportunities for those who want to work. No one will be forced to leave the disability rolls. The Social Security and supplemental Social Security income disability programs are preserved as a much-needed safety net for people who are unable to work.

Under this bill, personal responsibility is maximized by allowing beneficiaries to take charge of their own lives and become employed. This legislation, once signed into law, will transform the disability program to a program of investment versus entitlement, encouraging self-sufficiency versus dependency. I urge my colleagues to support this legislation.

I also would like to include in the record a letter from the American Association of Retired Persons in support of this legislation and also a letter from the United States Chamber of Commerce also in support of this legislation.

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

The documents referred to are as follows:

AARP,
June 3, 1998.

Hon. JIM BUNNING,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BUNNING: AARP commends you and Respresentative Kennelly for your leadership on HR 3433, the Ticket to Work Act. We believe your legislation could set the stage for important improvements in both the Social Security and Supplemental Security Income (SSI) disability programs that will benefit society, our economy, and beneficiaries who are able to return to work.

The Ticket to Work Act provides a series of incentives to encourage SSDI and SSI beneficiaries to work to the greatest extent of their abilities. While income support for those who can never return to the workforce is critical, we must do a better job of helping individuals with disabilities who want to, and can, work. This legislation begins the process by phasing-in and then evaluating incentives that many disability experts agree would promote additional work.

Again, we commend you and your committee for developing a program that will promote greater work effort by disabled beneficiaries who have the ability and desire to return to the labor force—a result that helps returning workers, their families, and society.

Sincerely,

MARTIN CORRY,
Director, Federal Affairs.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, June 3, 1998.

Hon. JIM BUNNING,
Chairman, Ways and Means Subcommittee on Social Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, we commend you for your sponsorship of H.R. 3433, the Ticket to Work and Self-Sufficiency Act of 1998.

As the largest business federation, the U.S. Chamber of Commerce has made it a priority to help meet the growing challenge that businesses face in finding skilled workers to sustain a growing economy. Central to combating this problem is the exploration and training of non-traditional sources of labor, such as persons with disabilities. Studies indicate that faced with inadequate rehabilitation and training, as well as the threat of loss of benefits and health care, many persons with disabilities are discouraged to enter the workforce.

Accordingly, we support H.R. 3433, the Ticket to Work and Self-Sufficiency Act of 1998 which will reduce employment obstacles for Social Security and Supplemental Security Income disability recipients. This bipartisan legislation addresses these employment obstacles by expanding their choices for providers of vocational rehabilitation, by extending their Medicare coverage from four to six years, and by offering them a tax credit of 50 percent for the cost of impairment-related work expenses.

Workforce development is a top priority of the U.S. Chamber. We therefore pledge to work with both Houses of Congress to enact this critical legislation which empowers disability recipients with the ability to return to a life of economic security and self-sufficiency—a goal that is shared by the American business community.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Mrs. KENNELLY) for yielding this time to me.

I would like to express my strong support for this bipartisan legislation. I think, given the choice, most disability beneficiaries would rather be working. However, as we have learned during committee hearings, there are currently numerous obstacles facing these beneficiaries in their pursuit of employment including the fear of losing health and cash benefits and little known and complex work incentives.

In a true bipartisan manner Congress has addressed these issues in the legislation before us today. After five hearings over nearly 4 years involving individuals with disabilities, advocates, rehabilitation experts, providers and the administration, we finally have a comprehensive bill which we believe will significantly ease the transition of SSDI and SSI disabled beneficiaries into the work force.

In short, H.R. 3433 would establish a ticket to work and self-sufficiency program which would provide beneficiaries with a ticket to obtain vocational rehabilitation employment or other support services. These tickets would provide beneficiary choices and essential rehabilitation and support services. More specifically, this legislation would institute employment networks which would encourage disabled beneficiaries to establish employment goals.

This measure also addresses the fears associated with potentially losing one's health care during pursuit of employment by extending health care coverage an additional 2 years. And another important component of this proposal is that these networks would be paid on a results-oriented basis. In other words, payments to providers would be based on the success of returning the beneficiary to work. Is not this making government and these programs more efficient and effective?

I would like to thank the Committee on Social Security and, more specifically, the chairman, the gentleman from Kentucky (Mr. BUNNING) and ranking member, the gentlewoman from Connecticut (Mrs. KENNELLY) for their hard work and commitment to opening these doors to employment. This is a strong and effective piece of legislation, and I urge my colleagues to give this measure their full support.

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

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this is truly a red letter day for disabled Americans, and I congratulate the gentleman from Kentucky (Mr. BUNNING) and the gentlewoman from Connecticut (Mrs. KENNELLY) on this bipartisan legislation that is going to change so many lives. They worked together and closely with the disabled community to put together a bill that will begin to break down the barriers to work and personal fulfillment that are now so ingrained in our Social Security disability program.

I am also pleased that the House has made passage of this bill a priority during this session.

Mr. Speaker, it is our job to be sure that every American has the opportunity to develop the skills and abilities they have to fulfill their potential in our free society. It is our job to break down barriers in old laws so that people can create their futures.

The current system has had very limited success in helping people, indeed even allowing people, to take the steps they desperately want to take to change their lives. Currently, less than 5 percent of beneficiaries return to work because the program barriers are so insurmountable, and this in spite of, as the gentleman from Kentucky (Mr. BUNNING) alluded to, the dramatic changes that have taken place in our rehabilitative resources.

One of the greatest of these barriers is lack of access to affordable health care once a person returns to work. People leaving disability usually find employment first in low-paying jobs that rarely offer employer-sponsored health coverage. H.R. 3433 takes a powerful step to address this problem by extending availability of Medicare coverage.

However, Medicare does not provide coverage for some of the critical services that some disabled people depend upon. For example, traditional Medicare does not cover prescription drug coverage or provide prescription drug coverage or personal assistance services, services critical to disabled people and currently covered by Medicaid for low income recipients.

In meetings with people and organizations in my district over the last year I have become keenly aware of the problems faced by people with severe psychiatric disabilities in their search for meaningful employment. The single largest issue affecting their ability to work is their ability to afford psychotropic drugs that help them manage their illness. Because traditional Medicare does not provide prescription drug coverage, this proposal still leaves many people with limited options.

According to a letter I received from the Connecticut Northwest Regional Mental Health Board regarding H.R. 3433, they say persons with long-term psychiatric illness experience significant impairment in cognitive, behavioral, vocation and interpersonal skills. The impact of mental illness on these clients is usually lifelong, with vocational capacity varying significantly over the course of a client's illness.

Mr. Speaker, this is an important piece of legislation, and I urge favorable action by the House.

□ 1630.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I would like to thank the gentlewoman for yielding me time, and congratulate her and the chairman of our subcommittee on their very diligent and effective work, and now successful work.

Mr. Speaker, I have no doubt this will become law. The reason for that is the basic thrust of this legislation, and that is to enhance the opportunities of the disabled who want to work, while always protecting those who cannot. We must never forget that so many people who are receiving disability payments simply are not able to return to the workforce, and we must never forget them.

But for those who are receiving disability payments who could return to work or to part-time work, what this bill does is attempt to enhance those opportunities, and it does so in a number of imaginative ways. It improves the rehabilitative services that are so critical by definition, and it does that by changing the scheme and structure of payments to try to encourage the effectiveness of their rehabilitation.

It also, as has been mentioned, undertakes another very vital aspect of this, and that is to make sure that there will be continued longer Medicare coverage when people move from the disability roll payments to work. Without that kind of protection of health care, it is pretty clear that there would be continued disincentive to work.

We have found in other instances that we cannot expect those whose only source of medical care is receipt of a payment from the Federal Government to forfeit that, and many of the disabled by definition, as is true of the nondisabled, would be moving into positions that have no health care or very inadequate health care, when the disabled by definition need very, very comprehensive health care.

So I congratulate the gentleman from Kentucky (Mr. BUNNING) and the gentlewoman from Connecticut (Mrs. KENNELLY) for this provision. Also there is an effort to look at the possibility of a new structure so disability payments can continue in some amount while people are moving from disability to work. So I congratulate the authors. I have been proud to be a cosponsor and work with them. I hope this will pass, not only overwhelmingly but unanimously, and we can all go to the White House, or at least maybe in the quiet of night or day it will be signed. One way or another, it will become law.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

(Mr. ENGLISH of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, first of all I want to thank the gentleman from Kentucky (Mr. BUNNING), who more than anyone has put in long years to bring this legislation to the floor. It is a great tribute to him and his efforts.

Mr. Speaker, every American should have the right to aspire to the American dream. In America, every citizen should have the opportunity to participate in our economy to the extent of their talent or abilities.

Unfortunately, many individuals with disabilities have had the American dream recede beyond their reach, not because of physical limitations but because of roadblocks created within our system of social services. These artificial barriers unfairly and unnecessarily reduce workforce participation and economic opportunity for many Americans whose disability should not bar them from gainful employment.

Mr. Speaker, in my view the time has come to empower these Americans to participate fully in the broad emporium of our national economy. I rise in strong support of the Ticket to Work and Self-Sufficiency Act. This bipartisan bill establishes a new program that will provide SSDI and SSI disabled beneficiaries with a ticket to a variety of support services, enabling these beneficiaries to reenter the workforce.

Private sector providers, known as employment networks, would be established to assist beneficiaries, and the Social Security Administration would contract with program managers to administer the Ticket to Work and Self-Sufficiency Program nationwide.

The program will include vocational rehabilitation and employment services, and beneficiaries would be in a position to choose the service provider that they would like to participate in. This will create competition and improve quality.

The Ticket to Work and Self-Sufficiency Program would pay employment networks for results, rather than merely for the cost of their services. It also contains a significant demonstration project that allows the disabled to maintain their benefits while earning more at work than allowed under current law.

Right now, we have a situation which I consider obscene. Once a Social Security disability beneficiary reaches an income level of only $500 a month, all of their cash benefits are cut off. This has the effect of retarding workforce participation by recipients and punishing hard work and ambition among some of our most vulnerable citizens.

Under this bill, Social Security would be required to conduct a demonstration project to study the effects of replacing that income cliff with a $1 for $2 withholding of benefits for earnings at the current cutoff level. Instead of a cliff, it would be a slope, and we know intuitively that more people would be able to participate.

This is balanced and much-needed legislation that finally begins to address the needs of disabled individuals who want to work, but are discouraged from doing so by a variety of irrational roadblocks. I urge passage of this legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentlewoman for yielding me time, and commend her and the committee on which she serves for the work they have done on this bill.

Mr. Speaker, I rise in support of this legislation. I think it is important to understand with all the discussion that has gone on with regard to the Social Security programs that nearly 40 percent, 38 percent, actually, of the benefits that are payable by the Social Security Administration from those funds go to those on disability and to survivors and to dependents. Almost 40 percent, 38 cents out of a dollar, go for that purpose.

This bill, of course, attempts to begin to review and try to, I think in a common sense way, provide a positive path for those on Social Security disability to move back into the mainstream of our society and back into the world of work.

It is called a Ticket to Work, and it is very important, as we look at the structure of our Social Security disability system with the $500 earnings limit, all of a sudden one day you have the benefits coming in for a month, which probably are far in excess of that $500, plus you have the opportunity for health benefits and other support programs, but you simply would, as indicated, be dropped off a cliff. So it makes it very difficult. This begins to look at trying to change that system.

Of course, as most of my colleagues are aware, Social Security disability recipients, a small number of them, actually do participate in vocational rehabilitation programs. But I believe there is not enough of an emphasis upon that, especially considering the fact that many Social Security disability beneficiaries may be young people. They may have been the victim of an auto accident or some other type of instance. Or they may be older workers that find it is easier to be on Social Security disability than to be involved in retraining. When they are 62, then they are mandatorily retired at that point. In fact, most of us recognize that their efforts in terms of work could well extend beyond the normal retirement age today of 65, and they could be working until they are 70.

This is one of the really important ways to try and rectify some of the problems with the Social Security insurance program. Many of my constituents, and I think many of the people across this country are not aware of the fact that they are insured by this particular system and the amount of resources that move in this direction.

I think it is also, of course, workable for those on SSI. This bill embraces both, and I note in reading the summary that we have been given of this that this bill actually in five years, while just a pilot program, I guess, in most respects, will save almost $40 million. So it is actually saving money by investing in people, investing in training and providing incentives to those who do the vocational training so they can share in some remuneration from this. It actually saves the taxpayer and saves the Social Security Administration money.

So, Mr. Speaker, I urge my colleagues to vote for this. I think it is a good idea, and I hope it is a great success when put in place.

Mr. BUNNING. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, as both a member of the Subcommittee on Social Security and a cosponsor of the Ticket to Work and Self-Sufficiency Act, I rise to express my strong support for this important and well-conceived piece of legislation. I do commend the gentleman from Kentucky (Mr. BUNNING), the chairman of the subcommittee, as well as the gentlewoman from Connecticut (Mrs. KENNELLY), the ranking member, for their efforts in working together.

Over the last 18 months that I have been a member of the subcommittee we have had, I think, three separate hearings on the current SSDI and SSI programs and their existing work incentives. What our subcommittee heard, Mr. Speaker, was heartening testimony from disabled individuals who have a genuine desire to return to work and provide for their own well-being.

What we also discovered is that the existing programs, as has been mentioned, and as are currently structured, often serve as a barrier for these individuals to achieve the noble and worthwhile goal of becoming productive citizens. We cannot as a body in good conscience allow a program that is meant to help the disabled turn into a system that restricts the potential of the motivated and talented individuals who, despite simply a disability, want to move on with their lives.

What this Ticket to Work Act does is give those who are afflicted with a disability a helping hand. Recognizing that the challenges that no two persons face are alike, this bill gives those that are disabled the ability to receive rehabilitation services from the provider of their choosing and then, as empowered consumers, the disabled will be able to receive rehabilitation services from the provider that can best provide their specific needs.

As has been mentioned, under current law the disabled are required to see State agencies for help. This legislation will allow individuals in the public or private or not-for-profit sectors to work together to help those disabled individuals who want to return to the workforce. Private agencies offering vocational training would be reimbursed according to the agency's success in helping people return to work and then remain in the workforce.

Since one of the major inhibitions preventing the disabled from enjoying economic success is the fear of losing health insurance, this bill we are considering extends Medicare eligibility for an additional two years. Again, under current law people on SSDI, as the gentleman from Pennsylvania pointed out very eloquently, SSDI abruptly terminates benefits once a disabled individual earns $500 a month.

This legislation authorizes the Social Security Administration to conduct a demonstration project to replace this current income cliff with a gradual, sliding scale reduction in SSDI benefits as individuals enjoy more success in the workforce and their earnings increase.

Mr. Speaker, it takes courage and it takes dedication for a disabled individual to return to work. I have the utmost respect and admiration for those who are willing to take this important step. Again, we should be looking to knock down, not erect, barriers for these courageous individuals. This legislation does just that.

The Ticket to Work Act will go a long way in achieving everyone's goal of helping people move on with their lives, allow our society to benefit, and I urge support. I thank the chairman and ranking member for their great work in fashioning this bill.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am delighted we have reached this juncture where we are about to pass this bill that sends a message of hope to millions of people on disability that there will be additional help to make that transfer back to the workplace, if possible.

Mr. Speaker, having no further speakers, I yield back the balance of my time.

□ 1645

Mr. BUNNING. Mr. Speaker, I have the great pleasure of yielding 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise in support of H.R. 3433, and commend the gentleman from Kentucky (Mr. BUNNING) and the gentlewoman from Connecticut (Mrs. KENNELLY) for all of their hard work in putting together this important, comprehensive, and what I would call historic legislation and bringing it to the floor today.

This bill will provide a true Ticket to Work for disabled individuals by bringing them back into the workforce while providing them with a safety net of needed government services. It addresses the disincentives which exist in current law that discourage disabled individuals from joining the workforce.

According to a recent Washington Post article, 6.6 million working-age Americans receive disability checks from the Federal Government every month. All too often, these individuals are unable to return to the workforce.

Among the barriers they face upon returning to work is that they risk the loss of important medical benefits such as Medicare health coverage. Under this legislation, individuals would be eligible for up to 6 years of Medicare benefits. In addition, this bill provides a voucher that individuals can exchange for rehabilitation, employment or other necessary services.

The Ticket to Work bill will change the Social Security Administration's disability programs for the better. As Tony Young of the United Cerebral Palsy Association said in his testimony before the Committee on Ways and Means in March, these programs, and I quote, ''are transformed from a safety net into a trampoline; not only catching people with disabilities as they fall out of work, but also giving them a boost back into work as they are ready.''

I know how important this work is. One of my constituents, Matt Conway of Florham Park, New Jersey, has been honored by the Foundation for Excellent Children's Yes I Can! Program for his achievements in the working world. This type of bill will assure that the Mat Conways of this world have future opportunities.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, as a member of the Subcommittee on Social Security, let me begin by commending the gentleman from Kentucky (Mr. BUNNING), the chairman, and the gentlewoman from Connecticut (Mrs. KENNELLY), the ranking member, for their leadership and hard work in producing some real successful results, legislation that is going to help people, people who want to work and become self-sufficient.

I am proud that it has earned overwhelming bipartisan support; and that is a result of hard work by the two leaders of our subcommittee. The bottom line is this is a good bill, legislation that helps the disabled.

Disabled people have said we need to do a better job. When I came to Washington in 1994, one of our goals was, of course, to change how Washington works and to make government work better for those who need help. It is this type of legislation that can make that kind of difference for those who need help.

People want to work. In this case, the disabled have asked for a helping hand with training and rehabilitation. This legislation works towards that goal, giving the disabled an opportunity to work and become more self-sufficient.

Unfortunately, our current disability system has not been working very well, only enabling about 8,000 Americans who are disabled to join the workforce each year. This legislation will give disability beneficiaries a ticket or voucher so they can use State or nonprofit or private employment training programs, and also give service providers incentives to do a better job, better train their clients, provide them with permanent employment and job opportunities.

There is another important provision I would like to mention, and I particularly want to commend the gentleman from California (Mr. HERGER), my colleague, for his work with this particular provision included in this legislation. That is the legislation that was originally contained in H.R. 530, the Criminal Welfare Prevention Act, Part II, which was included as part of this legislation.

As you know, in 1996 the welfare reform legislation cracked down on convicted criminals, prison inmates, receiving SSI payments, a concern many taxpayers were shocked to discover. Since that legislation was signed into law, as many as 500,000 criminals no longer qualify for SSI. This legislation goes one step further and helps deny Social Security payments to convicted criminals in prison.

I find one frustration of many senior citizens is why, they ask, do we give Social Security benefits to convicted criminals in prison? Thanks to the efforts of the gentleman from Kentucky (Mr. BUNNING) and the gentlewoman from Connecticut (Mrs. KENNELLY), and of course the gentleman from California (Mr. HERGER), this new legislation will potentially save taxpayers $3.5 billion over the next 7 years.

I am proud to support this legislation. It deserves bipartisan support. It enables those who want into the workforce, and of course to become self-sufficient, to accomplish that goal. We lend them a helping hand. It deserves bipartisan support, and for that, I ask my colleagues to lend that bipartisan support to H.R. 3433, the Ticket to Work and Self-Sufficiency Act.

Mr. BUNNING. Mr. Speaker, may I ask how much time we have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Kentucky (Mr. BUNNING) has 7 minutes remaining. The gentlewoman from Connecticut (Mrs. KENNELLY) has yielded back her time.

Mr. BUNNING. Mr. Speaker, I yield myself whatever time I may consume.

Mr. Speaker, I want to thank everyone for their cooperation in the subcommittee; the gentlewoman from Connecticut (Mrs. KENNELLY), who has done a very good job in helping craft this legislation.

I think this is the type of legislation that we ought to work for on a daily basis, a bipartisan piece of legislation that I am sure when it goes to the other body, we will find people that will work to make sure that we finally get this bill to the President's desk for his signature.

I am very, very proud of the 3 years of work that we have put in on this legislation to iron out the many differences that we had so that we can bring a bill that everyone in the subcommittee and everyone in the full Committee on Ways and Means supports.

Mr. Speaker, I yield whatever time he may consume to my good friend, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I want to start by commending the gentleman from Kentucky (Mr. BUNNING) for spending the last couple of years putting together this legislation. It was a great example of rolling up your sleeves and working on a tough problem that not many people want to face.

I also want to congratulate the gentlewoman from Connecticut (Mrs. KENNELLY) who worked on a bipartisan basis with the gentleman from Kentucky (Mr. BUNNING).

We have heard over the last couple years on the subcommittee from a lot of people who have disabilities but they truly want to work, and technological as well as medical advances might permit them to work, might make it possible for them to work. Unfortunately, the current Social Security disability program has an inherent number of obstacles and disincentives that make it pretty difficult and undesirable for people to leave the rolls and seek gainful employment, because they might lose cash or critical Medicare benefits.

This proposal is designed today to eliminate obstacles. I know there has been a lot of discussion on it already. Again, I want to say it is good common sense work. It took a lot of time to put together something that makes sense. It is bipartisan. In the end, what is exciting about this is it is going to help people to work, to be able to have gainful employment, to be able to take care of themselves. It also, in the end, saves the taxpayer money.

The information we have is that it will save the Social Security system nearly $40 million over the next 5 years alone. Again, the key to it is it can provide people with opportunities and means that they have asked for to become productive members of society.

It is a good, fiscally responsible bill, and I want to congratulate again the gentleman from Kentucky (Mr. BUNNING) for spending the time and effort to put this together, and his cosponsor, the gentlewoman from Connecticut (Mrs. KENNELLY).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise on behalf of the Ticket to Work and Self-Sufficiency Act of 1998.

I support this bill because it facilitates the task of rejoining the workforce for the over 8 million people with disabilities who are currently collecting monies from Social Security Income (SSI) or Social Security Disability Insurance (SSDI). More than 30,000 of these people live in Harris County, in which my district sits.

I truly believe that the majority of people with disabilities want to work. This act opens up a multitude of resources that they can use to find work that were only sporadically available to them before. Under current law, vocational counseling for people receiving SSI or SSDI can only be done by state-run Vocational Rehabilitation (VR) agencies, who are only able to serve about 10% of the disabled

people referred to them. This bill allows nonprofit and private organizations to help these people find meaningful and productive work.

Furthermore, by extending benefits to people who join this program for two years, it alleviates a fear common to almost all people who receive public assistance—that in reentering the workforce, they will lose the entirety of their benefits. Without this loss of necessary income to stop their progress, these people will no longer feel inhibited to go out and find work.

I also support this Act because it furthers the goals of the Americans with Disabilities Act (ADA)—to help disabled persons participate in a meaningful way in our society. This bill, coupled with the ADA, not only prohibits employers from discriminating against disabled persons, but also gives those employers access to a new pool of potential recruits, who are both qualified and willing to work.

Finally, I am happy to report to you that current estimates have this bill saving the taxpayers $38 million over the next five years. Colleagues, this bill is fiscally and socially beneficial for all Americans.

I ask that all my colleagues join this bipartisan effort to give hope and meaning to millions of people's lives.

Mr. RAMSTAD. Mr. Speaker, I rise today in strong support of H.R. 3433, the ''Ticket to Work and Self-Sufficiency Act.''

The National Council on Disability said it best in its report to the 105th Congress on removing barriers to work when it wrote, ''Social Security programs can be transformed from a lifelong entitlement into an investment in employment potential for thousands of individuals.''

Historically, fewer than 1% of people with disabilities leave the Supplemental Security Income (SSI) and Social Security Disability Income (SSDI) rolls following successful rehabilitation.

Individuals with disabilities have insufficient access to, and choice of, the services and supports they need to achieve employment. In fact, most SSI and SSDI beneficiaries are never even offered rehabilitation services.

This legislation empowers individuals with disabilities to choose from the state Vocational Rehabilitation agency or among private-sector employment networks which provide an array of vocational rehabilitation, employment and other support services to beneficiaries.

It also breaks through the complexities of the current system by establishing a corps of work incentive specialists to accurately disseminate information on SSI and SSDI work incentives.

While I wish the bill included a more comprehensive approach for tackling the complex health care needs of individuals who return to work, I am glad it does include a provision to at least extend Medicare eligibility for two years during the program's implementation.

I look forward to continuing to work on these critical health care issues during the conference with the Senate on this legislation, or next year when the Commerce Committee looks at health care needs under the Medicaid program.

Mr. Speaker, despite my concerns about the health care provisions in this bill, I urge my colleagues to support this legislation before us today because it begins the process of breaking down the barriers to work for individuals with disabilities.

Preventing people from working run counter to the American spirit, a spirit that thrives on individual achievements and the larger contributions to society that result.

Creating work incentives for people with disabilities is not just humane public policy, it is sound fiscal policy.

Removing the barriers that discourage people with disabilities from working will mean they can earn a regular paycheck, pay taxes and move off public assistance. It means they can return to work and live up to their full potential.

Mr. Speaker, I want to thank Reps. BUNNING and KENNELLY for this work in this area. Again, I urge members to vote yes on H.R. 3433.

The SPEAKER pro tempore. Pursuant to House Resolution 450, the previous question is ordered on the bill, as amended.

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.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced the ayes appeared to have it.

Mr. BUNNING. 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, further proceedings on this question will be postponed until tomorrow.

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.

EXTENSION OF WAIVER AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–262)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the ''Act''), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect or the People's Republic of China will substantially promote the objectives of section 402 of the Act, and my reasons for such determinations.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

EXTENSION OF WAIVER AUTHORITY FOR VIETNAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–263)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver of a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

EXTENSION OF WAIVER AUTHORITY FOR BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–264)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the ''Act''), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination. I will submit separate reports with respect to Vietnam and the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, the Chair will

now put each question on which further proceedings were postponed earlier today in the following order: on agreeing to the Speaker's approval of the Journal; and on motions to suspend the rules and pass the following two bills on which the yeas and nays were ordered: H.R. 3808 and H.R. 3630.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PORTMAN. 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 354, nays 35, not voting 44, as follows:

[Roll No. 193]

YEAS—354

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
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
Hastert
Hastings (WA)
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
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
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Vento
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—35

Brown (CA)
Clay
Costello
DeFazio
English
Ensign
Etheridge
Fazio
Filner
Ford
Fox
Gephardt
Hastings (FL)
Hefley
Hilliard
Kucinich
LoBiondo
Manzullo
McDermott
Menendez
Moran (KS)
Nussle
Oberstar
Pickett
Rogan
Sabo
Schaffer, Bob
Sessions
Taylor (MS)
Thompson
Velazquez
Visclosky
Watts (OK)
Weller
Wicker

NOT VOTING—44

Barcia
Blagojevich
Bono
Boucher
Burton
Clyburn
Cox
Crane
DeLay
Diaz-Balart
Dickey
Doolittle
Forbes
Furse
Gonzalez
Harman
Hayworth
Hooley
Inglis
Kolbe
LaFalce
Lampson
Lee
Martinez
McInnis
Meehan
Mica
Moakley
Obey
Parker
Porter
Poshard
Rohrabacher
Rothman
Roukema
Salmon
Sawyer
Shadegg
Smith (OR)
Smith, Linda
Stokes
Thune
Torres
Wamp

□ 1720

Mr. NADLER changed his vote from ''present'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she 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.

CARL D. PURSELL POST OFFICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3808, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3808, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 194]

YEAS—389

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon

Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
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
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—44

Baesler
Blagojevich
Bono
Boucher
Burton
Buyer
Clyburn
Cox
Crane
DeLay
Diaz-Balart
Dickey
Doolittle
Forbes
Furse
Gonzalez
Harman
Hayworth
Hooley
Inglis
Kolbe
LaFalce
Lee
Martinez
McInnis
Meehan
Mica
Moakley
Obey
Porter
Poshard
Rohrabacher
Rothman
Roukema
Salmon
Sawyer
Shadegg
Smith, Linda
Stokes
Thune
Tiahrt
Torres
Wamp
Young (AK)

☐ 1729

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.

The title of the bill was amended so as to read: ''A bill to designate the United States Post Office located at 47526 Clipper in Plymouth, Michigan, as the 'Carl D. Pursell Post Office'.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Madam Speaker, had I been present for the vote on H.R. 3808, I would have voted "aye."

☐ 1730

ANNOUNCEMENT REGARDING AMENDMENTS TO H.R. 3150, BANKRUPTCY REFORM ACT AND H.R. 3494, CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT

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

Mr. SOLOMON. Madam Speaker, I wish to make two announcements on two bills that affect Members in the body.

The Committee on Rules will meet next week to grant a rule which may limit the amendments to be offered to H.R. 3150, the Bankruptcy Reform Act. Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule.

I also would like to announce that the Committee on Rules will meet early next week to grant a rule which may limit the amendments to be offered to H.R. 3494, the Child Protection and Sexual Predator Punishment Act. Subject to the approval of the Committee on Rules, the rule may include a provision limiting amendments to those specified in the rule.

STEVEN SCHIFF POST OFFICE

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question of suspending the rules and passing the bill, H.R. 3630, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3630, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 391, nays 0, not voting 42, as follows:

[Roll No. 195]

YEAS—391

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
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
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)

Pryce (OH)	Shaw	Taylor (NC)
Quinn	Shays	Thomas
Radanovich	Sherman	Thompson
Rahall	Shimkus	Thornberry
Ramstad	Shuster	Thurman
Rangel	Sisisky	Tiahrt
Redmond	Skaggs	Tierney
Regula	Skeen	Towns
Reyes	Skelton	Traficant
Riggs	Slaughter	Turner
Riley	Smith (MI)	Upton
Rivers	Smith (NJ)	Velazquez
Rodriguez	Smith (OR)	Vento
Roemer	Smith (TX)	Visclosky
Rogan	Smith, Adam	Walsh
Rogers	Smith, Linda	Waters
Ros-Lehtinen	Snowbarger	Watkins
Roybal-Allard	Snyder	Watt (NC)
Royce	Solomon	Watts (OK)
Rush	Souder	Waxman
Ryun	Spence	Weldon (FL)
Sabo	Spratt	Weldon (PA)
Sanchez	Stabenow	Weller
Sanders	Stark	Wexler
Sandlin	Stearns	Weygand
Sanford	Stenholm	White
Saxton	Strickland	Whitfield
Scarborough	Stump	Wicker
Schaefer, Dan	Stupak	Wise
Schaffer, Bob	Sununu	Wolf
Schumer	Talent	Woolsey
Scott	Tanner	Wynn
Sensenbrenner	Tauscher	Yates
Serrano	Tauzin	Young (AK)
Sessions	Taylor (MS)	Young (FL)

NOT VOTING—42

Armey	Gibbons	Neal
Blagojevich	Gonzalez	Obey
Bono	Harman	Porter
Boucher	Hayworth	Poshard
Burton	Hostettler	Rohrabacher
Clyburn	Inglis	Rothman
Cox	Kolbe	Roukema
Crane	LaFalce	Salmon
DeLay	Lee	Sawyer
Diaz-Balart	Martinez	Shadegg
Dickey	McInnis	Stokes
Doolittle	Meehan	Thune
Forbes	Mica	Torres
Furse	Moakley	Wamp

□ 1738

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.

The title of the bill was amended so as to read: ''A bill to redesignate the facility of the United States Postal Service located at 9719 Candelaria Road NE. in Albuquerque, New Mexico, as the 'Steve Schiff Post Office'.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Madam Speaker, had I been present for the vote on H.R. 3630, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. GIBBONS. Madam Speaker, on rollcall No. 195, I was unavoidably detained with committee business. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. OBEY. Madam Speaker, I rise to simply note that on the last three votes in some buildings on Capitol Hill the bells are simply not working, and so a number of us have apparently missed three votes in a row because the bells were malfunctioning. I just wanted the RECORD to show that.

PERSONAL EXPLANATION

Mrs. BONO. Madam Speaker, as I was unavoidably detained, I wish to announce my support and that I would have voted ''yea'' on the following business of today: Roll Call Vote #193—Approving the Journal; Roll Call Vote #194—H.R. 3808 Designating the Carl D. Pursell Post Office Building; Roll Call Vote #195—H.R. 3630 Designating the Steven Schiff Post Office Building.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 716

Mr. JONES. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 716.

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

There was no objection.

COMMUNICATION FROM THE HON. DAVE CAMP, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Hon. Dave Camp, Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena duces tecum issued by the 6th Judicial Circuit for the State of Michigan, in the case of *Ann Marie Reynolds v. Resource Solutions Group, Inc., et al.,* Case No. 97–002709–CZ.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

DAVE CAMP,
Member of Congress.

PERSONAL EXPLANATION

Mr. SCARBOROUGH. Madam Speaker, last week on rollcall No. 192, I was reported as voting ''aye.'' That was the transportation bill.

I recall voting ''no'' and would ask that the RECORD reflect immediately following that vote that I opposed rollcall vote 192, the transportation bill, as I did from the beginning of the process.

□ 1745

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SOLOMON. Madam Speaker, I ask unanimous consent that it may be in order at any time to consider the conference report to accompany the Senate bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes; and, Madam Speaker, that all points of order against the conference report and against its consideration be waived, except those arising under section 425 of the Congressional Budget Act of 1974, which is the unfunded mandate point of order.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

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

Mr. WELLER. Madam Speaker, there is a big, important question that needs to be asked. That is, why it is so important that we pass the Marriage Tax Penalty Elimination Act?

I think that question is best answered with a series of questions. Do Americans feel that it is fair that an average working married couple pays more in taxes just because they are married? Do Americans feel that it is fair that 21 million married working couples pay on the average of $1,400 more in taxes just because they are married, $1,400 more than an identical couple with identical incomes that live outside of marriage?

Of course not. Americans recognize that the marriage tax penalty is not only unfair, it is wrong. It is morally wrong that we tax our society's most basic institution, 21 million married working couples, $1,400 more.

That is one year's tuition at Joliet Junior College in the district I represent. That is 3 months of day care at a local child care center, real money for real people. Let us make elimination of the marriage tax penalty a bipartisan priority. Let us make elimination of the marriage tax penalty our number one priority this year.

Madam Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus. A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15 percent.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School teacher	Couple	Weller/McIntosh II
Adjusted Gross Income	$30,500	$30,500	$61,000	$61,000
Less Personal Exemption and Standard Deduction	$6,550	$6,550	$11,800	$13,100
Taxable Income	$23,950	$23,950	$49,200	$47,900
	(.15)	(.15)	([2] .28)	(.15)
Tax Liability	$3592.5	$3592.5	$8563	$7,185
Marriage Penalty	.....	.....	$1378	[3] $1378
Weller-McIntosh II Eliminates the Marriage Tax Penalty				

[1] Singles.
[2] Partial.
[3] Relief.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one year's tuition at a local community college, or several months' worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Penalty Elimination Act.

The Marriage Tax Penalty Elimination Act will increase the tax brackets (currently at 15 percent for the first $24,650 for singles, whereas married couples filing jointly pay 15 percent on the first $41,200 of their taxable income) to twice that enjoyed by singles; the Weller-McIntosh proposal would extend a married couple's 15 percent tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15 percent tax rate as opposed to the current 28 percent tax rate and would result in up to $1,053 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under the Weller-McIntosh legislation the standard deduction for married couples filing jointly would be increased to $8,300.

Our new legislation builds on the momentum of their popular H.R. 2456 which enjoyed the support of 238 cosponsors and numerous family, women and tax advocacy organizations. Current law punishes many married couples who file jointly by pushing them into higher tax brackets. It taxes the income of the families' second wage earner—often the woman's salary—at a much higher rate than if that salary was taxed only as an individual. Our bill already has broad bipartisan cosponsorship by Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote ''the era of big government is over.''

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty—a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now!

IN OPPOSITION TO RELIGIOUS FREEDOM AMENDMENT

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

Mr. EDWARDS. Madam Speaker, tomorrow in this House I will vote to oppose the Istook amendment which would amend our cherished Bill of Rights for the first time in our Nation's history. Numerous religious organizations support this position. Yet incredibly and sadly the Christian Coalition has sent out a mailing in my district which I would like to submit for the RECORD accusing me of, quote, religious bigotry because I oppose the Istook amendment.

They say this about me: ''His attitudes have no place in Texas or anywhere in America.''

Madam Speaker, I never thought that my position in defending the first amendment of the Bill of Rights would be the basis for someone accusing me of being anti-American. Such a claim is outrageous. If I am a religious bigot for believing in the first amendment, the first 16 words of the Bill of Rights, then I shall say I will be in good company with James Madison, Thomas Jefferson, and our Founding Fathers.

Perhaps the author of this hate mail should be reminded of the ninth commandment which says, ''Thou shalt not bear false witness against thy neighbor.''

STOP THE BIGOTRY!

Your congressman, Rep. Chet Edwards, is trying to stop Christians and other people of faith from exercising two of their First Amendment rights: the freedom of religion and the freedom of expression. Rep. Edwards is the leading opponent of the Religious Freedom Amendment to the U.S. Constitution.

This Amendment would allow all Americans the freedom of religious expression in public places and would ensure that school children are not punished for creating a Valentine to Jesus, or for reading a Bible during free time.

The Edwards bigotry directed at Christians and other people of faith is outrageous and must be stopped! His attitudes have no place in Texas or anywhere in America.

People of faith cannot sit silently and allow this bigotry to be used as a tool to stop the Religious Freedom Amendment. We must stand for our right to express our religious beliefs.

Call Rep. Edwards now and (1) ask him to stop trying to silence people of faith and (2) encourage him to support the Religious Freedom Amendment.

CALL TO ACTION—PRAYER MONITORS IN THE PUBLIC SCHOOL HALLS!

Blatant disregard for the rights of people of faith are becoming more and more commonplace as our judges and politicians turn their backs on religious freedom.

WE NEED A RELIGIOUS FREEDOM AMENDMENT

Call your congressman at the numbers listed on this postcard today!

COMMENDING HONORABLE TONY HALL FOR SUDAN VISIT

(Mr. W0LF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Madam Speaker, I rise to commend the gentleman from Ohio (Mr. HALL) for traveling to Sudan to see firsthand what is taking place. He saw starvation, devastation, basically

an entire generation of people have been lost. The people of Southern Sudan are voiceless. They have no big law firms downtown to represent them. They have no powerful lobbyists. They have no interests in this Congress. I am pleased that the gentleman from Ohio took the time to go to be a voice for the voiceless.

Let us hope with his trip, we can begin to put together a process whereby we can bring peace to Southern Sudan and not lose another generation. I thank the gentleman from Ohio for his efforts.

Madam Speaker, I rise today to commend my good friend Rep. TONY HALL for traveling to Sudan to see first-hand what is taking place there. He saw devastation and starvation—an entire generation lost on account of the brutal war that has been raging for over a decade. Slavery, terrorism, starvation, and genocide—all are occurring on a regular basis in Sudan.

Now is the time to do more to bring peace to Sudan—a place where over 1.5 million people have died. The Sudanese people cannot take much more. An entire generation has already been lost.

The people of Southern Sudan are poor and voiceless. They have no access to high-priced lobbyists or expensive public relations firms. They are relying on the American Government to help them. They have no other hope.

I am glad my good friend, the gentleman from Ohio (Mr. HALL), went to look at the atrocities taking place in Sudan. I look forward to working with him to help bring an end to this brutal war.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 Texas (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Texas 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. BONIOR) is recognized for 5 minutes.

(Mr. BONIOR 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. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS 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 Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

(Mr. DELAHUNT 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 Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON 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. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING ROBERT F. KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Madam Speaker, 30 years ago this week, Bobby Kennedy was taken from us by an assassin's bullet. I remember that night all too clearly, and I still feel the sadness of the loss. Today I want to take a moment to honor this public servant who was so committed to the cause of social justice and fairness.

It was my great pleasure, my great honor, to have worked with Bobby Kennedy, to have known him. As I worked with this man, I grew to respect, admire and love him. He cared so much and he cared so deeply. He was a man so full of life, so driven by a vision for a better world. He had a fierce determination to enforce the civil rights laws of this Nation. And later he became a one-man crusade across the country, speaking out against hunger and poverty. To paraphrase his brother, Senator Ted KENNEDY, Bobby Kennedy ''saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.''

This man, this great man that we lost when he was so young, he spoke from his heart and from his gut. He had the ability and the capacity to look beyond the accepted way.

This was a man who took off his jacket, his coat. He had the ability to loosen his tie and to travel outside of the usual circles. He went to visit poor blacks in the heart of the Mississippi delta and gave them hope. He visited low-income whites in Appalachia to bring them encouragement. He went to the barrios in the Southwest and he brought them inspiration. He went to the reservations and brought care and compassion. He knew that some in this great Nation of ours were in trouble, and he wanted to help.

He was a wonderful, loving, compassionate person and leader. Bobby Kennedy used to say that we did not need a revolution in the streets, but in our hearts and in our minds. He wanted people to engage in meaningful dialogue, on poverty, on race, on the pressing issues of the day.

Today, 30 years after his death, his voice, his commitment and his leadership are deeply missed and remembered. I for one will never forget Robert F. Kennedy, his wisdom, his wit, his moral courage, and his vision.

PROTECTING INNOCENT SPOUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Madam Speaker, a few months ago I wrote an article in one of my local papers concerning a constituent who left her ex-husband 13 years ago after what she described as an abusive marriage. The Internal Revenue Service had targeted my constituent for payment of a $29,000 tax debt which was her former husband's personal responsibility. As a result, for a decade the IRS became a fixed, unwanted presence in her life.

When my constituent appealed to the IRS for relief under what are known as the innocent spouse provisions of the Tax Code, the IRS told her she did not qualify, even though she is a textbook example of the kind of person the innocent spouse provisions are supposed to help. The fact that she does not qualify for help under existing law told me all I needed to know about the need for change in the IRS code.

The IRS reform bill passed by the House last year did not specifically address the plight of many innocent spouses. Similar legislation under consideration by the Senate, however, does toughen innocent spouse protections. The House should follow suit and enact legislation to ensure women like my constituent will never be twice victimized, first by an abusive spouse and then by the government.

Accordingly, I have introduced H.R. 3650, a bill to repeal joint and several liability of spouses who file their tax returns married filing jointly. My bill will enable a spouse to accept liability for Federal taxes resulting only from his or her income rather than the total liability for all of the couple's taxes. Had the Ehrlich bill been law at that

time, my constituent and countless others would have been spared years of IRS pressure.

Moreover, I am impressed by the fact that someone would step forward in order to help prevent future innocent spouses from going through what my constituent had to go through. Mr. Speaker, I unveiled my bill at an April 15 Tax Day news conference in front of IRS headquarters in Baltimore. That night, a local TV news anchor, informed of how the bill would alleviate unwarranted IRS pressure on innocent spouses, called H.R. 3650 a no-brainer. I am optimistic that a majority of my colleagues in the House will agree.

H.R. 3650 has been referred to the Committee on Ways and Means. Both Democrats and Republicans have shown a keen interest in the bill. Senator ALPHONSE D'AMATO of New York is actively working to pass identical legislation in the United States Senate. I hope that my colleagues will join me in taking IRS reform a step further to protect many of our Nation's most vulnerable taxpayers.

INDIA AND PAKISTAN'S RECENT NUCLEAR DETONATIONS

The SPEAKER pro tempore (Mr. MCKEON). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, 3 weeks ago India detonated five nuclear devices, a course of action that it has not followed for 24 years since its first nuclear test in 1974. A week ago Pakistan, too, detonated five devices. This was Pakistan's first testing ever. Through the irresponsible actions of both India and Pakistan, two more nations of the world have declared themselves nuclear weapons states. In the course of these critical 2 weeks, our planet has returned towards the days of nuclear peril, the likes of which have not been seen since the most tense days of the Cold War.

To be fair, both nations gave what were seemingly plausible reasons for their nuclear arms program. For India, Prime Minister Vajpayee stated that its nuclear development was due to the fact that it was surrounded by two hostile neighbors. One, which has clashed with India in three wars this century, engaged in a subversive war in the Indian states of Jammu and Kashmir and has engaged in a provocative ballistic missile program, and the other neighbor, the PRC, a declared nuclear weapons state, has fought against India along its northern border.

□ 1800

Pakistan claims that India provoked it. Pakistan, a nation of 132 million, has been in the shadow of its much larger neighbor since the partition that divided the subcontinent and created both nations in 1947. Fearful of its larger neighbor's intentions, Pakistan began its nuclear program clandestinely after the Indian test of 1974.

But, Mr. Speaker, the real issue here is not who did what to who. Both nations can point to a litany of reasons why they should be suspicious of each other. While the two nations are but 50 years old, their shared cultural history spans thousands of years, and we know that their grievances do as well.

Today, South Asia is on the brink of a nuclear arms race. Yesterday, the New York Times reported that India's defense budget has been increased by 14 percent. In addition, the Indian Department of Space's budget was increased by 62 percent and the Indian Atomic Energy Commission by 68 percent. You can be sure that the military accounts on these two agencies received the lion's share of this increase. In all likelihood, Pakistan is sure to match these increases in their own nuclear and military programs.

The tragedy in this spiraling arms race is that many millions of impoverished and illiterate men, women and children of Pakistan and India are being left out in the cold as scarce resources are being spent on ballistic weapons and nuclear missiles.

Since its adoption, both India and Pakistan have never been party to the Comprehensive Test Ban Treaty; and, despite the fact that 149 nations have endorsed it, both have refused recently to endorse its recent renewal. Their citing of the so-called inequity of the CTBT, which does not require the five declared nuclear states to abandon their nuclear programs, rings hollow in light of their recent actions. Indeed, India has long called for complete worldwide nuclear disarmament. Yet regardless of India's perceived security threats, it has never had to follow this course of action. Equally, Pakistan missed a golden opportunity to take the high road by not performing nuclear tests in response to India's. Despite efforts by the Clinton administration, Pakistani Prime Minister Nawaz Sharif decided to follow India on the path towards nuclear bliss and strategic uncertainty.

Mr. Speaker, I rise to strongly protest the actions of the governments of India and Pakistan. Nuclear weapons are not the answer. These tests were an act of extreme violence, and the testing of nuclear weapons have opened a Pandora's box in South Asia. Through this violence they show the world how meek they truly are, for it is the emboldened and brave who choose the path of peace.

I ask all my colleagues to join me in sending India and Pakistan a strong message of disapproval and to support the President in his use of economic and military sanctions.

Mahatma Gandhi once said: ''Nonviolence is the first article of my faith. It is the last article of my faith. But I had to make my choice. I believe nonviolence is infinitely superior to violence, forgiveness is more manly than punishment, strength does not come from physical capacity, it comes from indomitable will. We have better work to do, a better mission to deliver to the world.''

I sincerely hope that both Pakistan and India remember the words of Gandhi. The prayers of humanity rest on the hope that the millions of India and Pakistan will find a way to live together peacefully in the next century. We know the horrors that nuclear weapons can bring, and that cannot be the road to peace.

GLOBAL NUCLEAR DISARMAMENT: THE ONLY ALTERNATIVE TO A NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, the 11 nuclear detonations conducted by India and Pakistan this past month demonstrated in graphic fashion the weakness of present international efforts to control nuclear proliferation. The tests also revealed the folly of economic sanctions in deterring nuclear proliferation when balanced against asserted interests of national security.

In a recent opinion editorial piece in the Washington Post, physicist Zia Mian and professor Frank Von Hippel of Princeton University provide an answer to proliferation that I fully support, and I want to share this with my colleagues.

They advocate, and I quote, ''India's and Pakistan's nuclear tests are a challenge that can be met in either of two ways. One would be to simply recreate the nuclear status quo with two more nuclear weapon states and accept the enormous dangers for the people of India and Pakistan and the rest of the world. The alternative would be to take international steps to devalue nuclear weapons' possessions by moving the nuclear goal posts towards disarmament.

''The history of the past 50 years teaches that nuclear weapons are unusable for rational military purposes and that their existence makes ordinary human miscalculation or madness potentially catastrophic. Yet the nuclear weapon states act as if they are giants in the world of pygmies, creating imagination in many countries and a temptation for nationalistic parties such as India's newly governing BJP.''

And I further quote from this article, Mr. Speaker. ''India is behaving like a state that has successfully broken into the nuclear club, and Pakistan, after hesitating over the likely ruinous price of membership, has decided that it must join as well. Israel slipped in long ago, thanks to the United States being willing to cast a blind eye in its direction. Other States such as Iran and Iraq and perhaps South Korea, Taiwan and Japan wait in the wings.

''To break this dynamic, the United States, Russia and other charter members of the nuclear club must make it more credible that they really intend to put the nuclear club out of business.

''The first step would be to end the civilization endangering practice of keeping nuclear missiles on hair-trigger alert, a posture that India and Pakistan are threatening to imitate.''

Secondly, ''The United States should also immediately ratify the test ban treaty and thereby encourage Russia and China to ratify. Britain and France have already done. Bringing the treaty into force is a key first test of the world's willingness to walk away from nuclear weapons. The United States, Russia and China should underline the irreversibility of their commitments by shutting down their test sites.''

Third, ''The United States should also cut back drastically its lavish stockpile stewardship program, which has inspired fears both at home and abroad that the United States intends to continue the arms race alone.''

And I would note Mr. Speaker, that this $61 billion 13-year-old program costs more annually than what the U.S. spent on major nuclear weapons programs during the height of the Cold War. Moreover, the enormous funding is being used to develop facilities to research and design nuclear warheads, not just monitoring our present arsenal while it awaits dismantlement.

Fourth, ''The United States, Russia, Britain and France should also act on their commitment at the April, 1996, Moscow Nuclear Safety and Security Summit to place excess fissile materials under international safeguards as soon as possible. Russia and the United States can start it immediately by committing to reduce their stockpiles on unsafeguarded fissile materials to the levels required to maintain only the 2,000 to 2,500 strategic warheads that have been agreed to for the past START Treaty III.''

Mr. Speaker, this would be a 90 percent reduction of our arsenals from the peak Cold War levels.

Last, the authors urge that the U.S. and Russia announce that they intend to reduce further, on a bilateral basis and rapidly, these warheads.

In addition to these steps, they should demonstrate the good faith of the nuclear powers to pursue elimination of nuclear weapons as promised and committed to under article VI of the Nonproliferation Treaty. It is important that the United States initiate multilateral talks for the negotiation of a nuclear weapons convention.

On this matter, Mr. Speaker, I would deeply commend the gentlewoman from California, the honorable LYNN WOOLSEY, for her leadership in introducing legislation later this week that recognizes the security interests of the United States in furthering complete global nuclear disarmament.

I am proud to be an original cosponsor, along with several other of our colleagues, of this measure that supports discussion in Congress of a model nuclear weapons convention and urges the President to initiate multilateral negotiations leading to the early conclusion of a nuclear weapons convention.

Mr. Speaker, both India and Pakistan have called for the global elimination of nuclear weapons by adoption of a nuclear weapons convention with verification and compliance measures. It should be clear to all that our Nation's continued reliance on nuclear weapons undermines the international efforts to persuade other countries not to acquire nuclear weapons.

Mr. Speaker, to curb the global spread of the only weapon that can utterly destroy the United States and her people, it is vital that we take steps now leading to the elimination and outlawing of nuclear weapons worldwide, as we have done with chemical and biological weapons of mass destruction; and to this, Mr. Speaker, I ask unanimous consent also to submit two articles that I would like to be submitted to be made part of the RECORD.

The articles referred to are as follows:

[From the Wall Street Journal, May 13, 1998]

REVIEW AND OUTLOOK

DESERT BLASTS

When a lawyer's client too loudly protests, ''I'm innocent,'' it probably means he's just the opposite. So it is with the Indian statement of bravado in Monday's nuclear weapons tests beneath the Rajasthan desert. While New Delhi basks in the eerie glow of ''equally'' among nuclear powers, the tests are an indication not so much of strength among nations, but of profound weakness at home.

That makes the gauntlet the Indian government has just thrown down to Beijing and Islamabad even more dangerous. But it shouldn't have come as any surprise that India wants to join the club in which so many of its neighbors are already members.

Optimists hope India intends to go the route of France and China, and cap its explosive debut into the hydrogen bomb club with a signature on the Nuclear Non-Proliferation and Comprehensive Test Ban treaties. Pessimists fear that steering New Delhi in such a direction would require a sustained application of global persuasive powers that may fail. And really deep pessimists would worry that the Indians concluded that the Clinton Administration's policy on exporting commercial satellite technology did in fact improve China's missile guidance capability.

The most realistic approach may be to say that if New Delhi can test, so can the rest of the nuclear powers—to modernize and refine their arsenals. If India is safer with a modern nuclear weapons programs, wouldn't we all be?

It's very well for nations like Denmark and Japan to talk of freezing aid in protest at the tests, or for Americans to speak of anti-nuclear sanctions kicking in. In the end, though, such efforts usually dissipate or even reverse themselves in the form of offers to pay the offender hug sums to mend his ways. Indians may be behaving irresponsibly, but they aren't dumb. these tests were part of a calculated plan to call attention to themselves as big players, and the world outrage will be taken for now as proof that the message was received.

In a different universe, the most effective response to Monday's explosions might have been to pretend no one notices. As things are, what's incredible is the outpouring of surprise, as if no one in Washington or other capitals heard members of the Bharatiya Janata Party campaign promise to rev up India's nuclear program. Washington's statement that the United States—operating the World's most sophisticated technical intelligence facilites—failed to detect preparations for the tests may be more astonishing than the tests themselves.

It will be awhile before India is ready to bargain, if it ever is, so perhaps more immediate attention should be paid to Pakistan. This erstwhile staunch U.S. ally during the Cold War has borne the brunt of antinuclear outrage all along; indeed, the moment its usefullness as an Afghan war ally ended, Pakistan was socked with American sanctions on suspicion of having a nuclear program. All the years India got grudging respect and no slaps at all for its if-rich-big-countries-have-nukes-then-poor-countries-can-too stance, Pakistan was under bombardment from the antiproliferation community for every purchase, real or imagined, of any kind of modern weaponry.

But anything Washington can do to help persuade Pakistan that it is safe without matching India will do a huge service—both to Pakistan, whose long-suffering people cannot afford and do not deserve the crushing burden of a heightened arms race, and to all those who rightly fear nuclear warfare in the Subcontinent.

Which bring us to China and Russia. India's old friends in Moscow have some tough choices to make. India was a Cold War comrade and remains a steady arms customer. But what about Beijing, whose recent hand of friendship and multibillion-dollar nuclear power market could be worth so much more than anything India has to offer?

China, which India's defense minister has identified as his country's ''potential threat No. 1,'' can't ignore New Delhi's explosions. Beijing signed the test ban treaty in 1996 after a final series of much-criticized tests, and it may choose now to mount the podium of generalized international moral outrage—perhaps while delivering a more forceful bilateral response in private. But if China wants its claim as a force for regional stability to be taken seriously, it must demonstrate leadership here, not merely sit back while the feathers fly.

When the clouds settle, the BJP's decision to do openly what India has only boasted and postured about for so long may be seen as a good thing. Monday's tests in Rajasthan, like France's Pacific tests of 1995–96, remind us that nations that rely for their security or for that of their allies on a credible nuclear deterrent have a responsibility to be honest about their arsenal, and to make sure it works. If nothing else, India's tests have blown away the dangerous hypocrisy that has characterized so much of its behavior over the years. No longer holier-than-thou, India is now revealed as being just like everyone else.

[From the New York Times, May 13, 1998]

A BLAST OF REALITY

(By Henry Sokolski)

It may be difficult to acknowledge, but India's test of three nuclear devices on Monday morning was, among other things, an act of impatience with failed American efforts to stop China and North Korea from developing and spreading strategic weapons. ''It is clear that by the time the Clinton Administration wakes up to the danger posed by the China-Pakistan-North Korean axis, it will be too late for India'' The Times of India, said on Tuesday.

None of this restiveness can justify India's action, which was self-defeating. But it should sting for those still anxious to avoid the worst. Indeed, if the United States and its friends are to stem the spread of strategic weapons to Pakistan and beyond, we need to recognize that Monday's event was in no

small part the result of an American nonproliferation policy so disjointed and consessionary that it was prone to be disregarded and misread.

White House officials admit they were caught flat-footed, that the Central Intelligence Agency failed to provide adequate warning of the tests. To press this point, however, is to miss the warning the Administration had months earlier: the winter election of the Hindu nationalist Bharatiya Janata Party, which had long championed India's right to nuclear weapons.

What did the White House do with this warning? It sent its United Nations Ambassador, Bill Richardson, to India to emphasize the importance of issues other than nonproliferation (lest it sour relations) as well as the chairman of the Nuclear Regulatory Commission, Shirley Ann Jackson, to emphasize our desire for expanded nuclear cooperation.

Not surprisingly, the Indian press interpreted these visits in the worst way possible. The United States, it argued, has finally gotten over its preoccupation with blocking India's rightful development of strategic technology. What's unclear is when, if at all, American officials bothered to brief leaders of the Bharatiya Janata Party about the sanctions that the White House would be forced to impose if India followed through on its pledge.

What can we do now? The White House should immediately impose the sanctions called for in the Nuclear Proliferation Prevention Act of 1994, rather than bargain for some new pledge of restraint.

Indian officials speculate that the United States may not impose sanctions or that if it does they will have little effect. We must prove them wrong. In fact, the value of the Indian stock market had already fallen by 5 percent by Tuesday in anticipation of sanctions. The Indian financial market understands what sanctions will mean to the banks, which are seriously overextended and undercapitalized.

By Indian law, at least 51 percent of the shares of every bank are owned by the Government. Under the American nonproliferation law, no United States bank, public or private, can make loans or extend credit to these institutions for at least one year. Carrying out the sanctions would hurt. But it would strengthen the hand or Indians who understand that their nation can best compete against China by being economically powerful and that without such strength, a military competition of the sort now being undertaken will be disastrous.

Certainly, the world is watching including Pakistan (whose financial and political institutions can even less afford an American financial cut-off). It the White House is to have any chance of having its commitment to nonproliferation taken seriously, its sanctions must be seen as something more than a bluff. Pakistan, at the least, must understand it has much more to lose than gain by testing.

Congress and the White House must also use the Indian tests to revise our overly generous, a la carte nonproliferation policies. We must recognize that the case of India is related to those of China and North Korea; our catering to both these nations' demands for military-related technology—whether it be for missile or nuclear goods—is a prescription for more proliferation. Indeed, the White House has smothered these nations and Russia with all manner of nuclear and space assistance (actually subsidizing known proliferators like China's Great Wall Industries, the Chinese National Nuclear Corporation and the Russian Space Agency with licensed American technology).

But what the United States has all too scrupulously avoided is the use of any sticks—from enforcing sanctions against China and Russia, to penalizing Russian investments in Iran's oil industry, to keeping our military and diplomats from purposeful action against Iraq, to holding North Korea responsible for its continued violation of the global Nuclear Nonproliferation Treaty. This and the continued American export of high technology to known proliferators must end.

Finally, we need to be more confident. We always have plenty of warning, if we are willing to act on less than conclusive proof of a completed weapons program. And we have plenty of options to deter proliferation, assuming we're willing to act early enough.

ELIMINATE THE MARRIAGE PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. MCINTOSH) is recognized for 50 minutes as the designee of the majority leader.

Mr. MCINTOSH. Mr. Speaker, I rise today to come before my colleagues and the American people to talk about an issue that is finally gaining the attention of policymakers here in Washington, and that is the need to eliminate the marriage penalty in our Tax Code system.

What is the marriage penalty? Essentially, it is the way in which our Federal income tax operates that says to more than 21 million couples, you are going to pay, on average, $1,400 more each year simply because you are married.

It comes up in a lot of different provisions. Married people have less of a personal deduction. Married couples pay higher rates on much of their income. So oftentimes what happens is that when two young people get married, they are both working, they both earn an income, maybe receive a little bit of a return on April 15 when they do their taxes. As soon as they get married, they get hit with this marriage penalty and suddenly have to pay more taxes.

Then it is carried throughout their lives if, as adults, they start having children and save money so that they can invest in a savings account for their children to go to college. When they take that savings account back out, they get hit with another marriage penalty.

And then, finally, when they retire, many, many senior citizens are hit with a penalty on their Social Security because they remarry in their later years of their life.

What our bill does is eliminates the penalty in the Tax Code, and I have been talking about this issue for the last year. JERRY WELLER and I introduced a bill last fall that would eliminate it, and I have urged people to contact me at my web site www dot House dot gov slash McIntosh and talk to me about how the marriage penalty effects them.

We have literally received hundreds of e-mails from people all around the country saying how the marriage penalty has hurt them after their wedding.

One person told me that they had postponed their honeymoon and were expecting to go this year; but when the tax bill came on April 15, they owed more money because of this marriage penalty, had to once again forego their honeymoon; and the young lady's husband would not be able to go to summer school to finish some of his classes, all because the government punishes marriage in this country.

I first learned about this when two of my constituents wrote to me last year, Sharon Mallory and Darryl Pierce. Sharon and Darryl, pictured here in this picture, wrote to me and talked about what the marriage penalty meant in their lives. Sharon works for about $10 an hour at a Ford electronics plant in Connersville, Indiana, and Darryl works there as well, does a little farming on the side. They want to get married, and they went to H&R Block and asked the accountant, ''What will happen to us if we get married?''

□ 1815

The accountant explained to Sharon that not only would she have to give up her $900 tax refund, together they would be penalized $2,800, just because they got married.

Sharon went on in her letter and told me, ''We can't afford it. It breaks our heart, but we can't afford to get married. I urge you, Congressman, to eliminate this marriage penalty.''

Well, it broke my heart when I received her letter, and I started researching exactly how comprehensive is this marriage penalty. I found out that 21 million families in America pay on average $1,400 extra taxes just because they are married.

Now, many of the people in this country are saying we need to strengthen families, we need to be on the side of families, families are the organization in our society that are raising our children, teaching them the moral values they need in order to become future citizens. And today families truly are under assault. You not only have the marriage penalty, you have problems with drugs and gangs, problems with different images that are exposed to the families being broken down, and too often we see families where there is no father involved with the children.

I am not saying that a single mom is not loving her children as much as possible. My mom was a single mom, and I know all the sacrifices she made for me, but we were always hoping we would have dad there.

The consequences of not having an intact family can be tremendous. Studies show that children who come from split homes or single parent homes are more likely to divorce themselves. They are four times as likely to die at an earlier age. Their health is worse.

Sadly, many of them pass on these problems to the next generation. Seventy-two percent of juvenile murders come from divided homes. Sixty percent of rapists grew up in broken

homes. They are more likely to use drugs, more likely to commit suicide and more likely to drop out of school.

We have to reverse that, and we can start by putting the Federal Government on the side of families, eliminating the marriage penalty, saying to parents, we are going to give you a break. We know it is tough when both mom and dad have to work just to pay all the bills and make ends meet. We do not want to make it worse for you by having the government every April 15 take out $1,400 more in your taxes.

So, as Congress considers the budget, which will be coming up later this week, we have received a commitment from the Committee on the Budget that we will put eliminating the marriage penalty at the top of our priorities for tax cuts. $100 billion of tax cuts are written into that budget, and this tax cut will say to those families, we are finally going to be on your side. We are going to eliminate the marriage penalty; we are going to make it our number one priority.

Now, the way to do this is through legislation that the gentleman from Illinois (Mr. WELLER), the gentleman from California (Mr. HERGER), the gentleman from Alabama (Mr. RILEY) and I introduced. It is H.R. 3734, the Marriage Tax Penalty Elimination Act.

What it does is it says, quite simply, in two areas we are going to redress the penalty. If you are a single person and you get a deduction of $4,100, when you marry you are going to continue to get that same deduction and your wife is going to get the same deduction. So when you file married, you do not end up being penalized on that personal standard deduction.

The second way in which we help families is to say if you are making $24,000 and are taxed at the 15 percent rate, and your wife is making $24,000 and is taxed at that 15 percent rate, today when you get married, suddenly part of that income, about $8,000 of it, is taxed at the higher rate, at 28 percent. Our bill would eliminate that and say when you are single, the cutoff in the brackets is $24,650. For married people, it is going to be exactly double that. We eliminate the inequity that says just because you are going to get married, you are going to slip into a higher tax bracket.

It is time that we pass this bill as part of our budget and move forward next fall in the tax bill that we send to the American people, and that this Congress comes squarely on the side of the American family and says, once and for all, we are going to eliminate the marriage penalty, so Sharon and Darryl can get married and not have to worry about how to make ends meet on their family budget.

Tonight, many of us wanted to come forward and talk about this issue and what we plan to do with it in Congress. I would like to recognize one of my colleagues, a Member who came to us in the class of 1994, who has done a great job of representing Florida, (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman not only for convening this special order on this very important issue, but as well for being one of the leaders in the Congress and introducing H.R. 3734, the legislation to repeal the marriage tax penalty.

I believe the institution of marriage was ordained by God. If you travel all over the world, it is very obvious that it is a universal institution, and its obvious primary function is to be the place where new citizens, future citizens, are nourished and raised up and learn to become contributors to society. I am talking, obviously, there about our children.

To have provisions within our Tax Code, to have provisions within the law of the Government of the United States that discourage marriage and encourage people to live outside of wedlock, to me is almost criminal. To allow the very existence of this marriage tax penalty to develop in our Tax Code to me is an offense, not only to the American people, but as well to common sense.

Prior to getting elected to Congress I practiced medicine. I am a physician by training. I was able to see this firsthand, and I remember it very well, seeing people, particularly senior citizens, often who were widowed and living together out of wedlock, setting a terrible example for their children and their grandchildren. But like the couple in your district that you mentioned, they were doing so primarily because of the tax burden that they would face if they were to walk down the aisle and get married.

I have to say it literally breaks my heart that we have to actually fight here in Washington, D.C. for these kinds of common sense reforms. To me, the people back home described this to me as being a no-brainer, but yet we have to struggle and fight and argue.

But I am very, very pleased that we have a commitment from the chairman of the Committee on the Budget, we have the vast majority of our Republican Conference strongly behind this, and we even have some of the Democrats getting behind this, which is always refreshing when you are talking about reducing taxes and we see Democrats standing up for that, and I want to commend the gentleman again.

Let me just add, the points that the gentleman made about the impact on children, this is another reason why this is so critical, because if you look at what is the primary indicator for health in a community in terms of issues like drug abuse, issues like illiteracy, juvenile crime, the liberals will tell you, oh, it is income, and in reality it is not income. The thing that correlates most with problems like drug abuse, declining educational scores and juvenile delinquency, it is actually the amount of fatherlessness in that community. It is actually an intact family that is the best indicator of the health of that community.

To have a Tax Code that is actually encouraging people not to get married, to me it is crazy. I strongly commend the gentleman, and I do hope that all of our colleagues will support this effort.

Now, it will come at a price. It will cost us, the Federal Government, money to get rid of the marriage penalty. But, amazingly, as I understand it, it will mean a reduction in spending of 1 percent over the next 5 years, which to me is a price well worth paying. That, might I add, is just discretionary spending. I am not including entitlement spending in that mix.

As I understand the numbers on this over the next 5 years, it means the difference between Washington spending $9.1 trillion versus $9.0 trillion. It is a $100 billion difference. A lot of money, $100 billion, but, in my opinion, this is clearly the right thing to do. I think Washington can tighten its belt a little bit so that the American families can have a little bit more money.

The gentleman was talking about a couple that wants to take a honeymoon. I will tell you what this boils down to for a lot of couples in my Congressional District. It boils down to things like being able to afford braces for the kids; being able to set money aside for college or not; it means new tires for the car or not.

So I say, let us put Washington on a little bit of a diet, and let us give married couples a little bit of a break, and let us pass this. I do commend the gentleman for, again, convening this special order. Twenty-one million American families will be affected by this. That is not a small number of people.

Mr. MCINTOSH. Let me reemphasize the gentleman's last point. When President Clinton was asked what does he think about eliminating the marriage penalty, he agreed that there is no justification for penalizing married people with this marriage tax. But, he said, I am not sure we can find the revenue to be able to do that.

So that has been the prevailing worry in Washington for 30 years. They have let the penalty grow and grow and grow, so that now it is a huge impact on many working families, because they do not want to give up the money.

Our message is, let us do it. Let us eliminate the marriage penalty. Nobody will stand up on the floor of this House and say yes, I like penalizing married couples and they should pay more taxes, because they know it is wrong, but they will not give up the money.

As the gentleman pointed out, it is one cent on the dollar. All we have to did is hold a little bit back. It is not even a cut, because the budget continues to grow at the rate of inflation. It is only a little bit of restraint, and every family in America knows if you are doing something wrong, you have to change your budget priorities, you have to save a little bit here and not spend everything, that you can do that. A 1 percent savings in order to protect families in this country is tremendous.

Mr. WELDON of Florida. If the gentleman would yield for a question, now, if I understand the gentleman correctly, we can pass this marriage penalty while actually letting the government continue to grow. The issue just is, how quickly will the Federal budget increase? In other words, are we going to increase at a rate of the inflation rate, or are we going to increase government spending? Am I correct?

Mr. MCINTOSH. That is exactly right. The President's budget, and he said I am not sure we give up the money, increases the rate of government growth at twice the rate of inflation, about 3.5 percent each year. By holding it down to a little bit more than the rate of inflation, which is the Committee on the Budget's proposal, we can have $100 billion in that budget to eliminate the marriage penalty. I think that is exactly what we need to do.

I had hoped to be able to share with you some of my E-mails, but apparently my computer is not working and we cannot get them printed out. Angie keeps track of all of them in my office for me, but was not able to get them over to me. I would like to emphasize with everybody watching how important this is to average working families in this country.

Now I would like to recognize one of our new Members, a freshman from Pennsylvania who has served many years on the appropriations committee in that chamber, in the Pennsylvania legislature, and he knows you can get the job done in saving money on these appropriations bills if you put your mind to it.

So let me introduce now the gentleman from Pennsylvania (Mr. PITTS), and recognize the gentleman for a comment on this.

Mr. PITTS. Mr. Speaker, I am very pleased to join my colleagues. I want to commend the gentleman from Florida (Mr. WELDON) for his eloquence. I want to commend the gentleman from Indiana (Mr. MCINTOSH) for his leadership on this issue. It is a real honor to join the gentlemen this evening to discuss really one of the number one 1998 budget goals for many Members of this Congress, and that is the repeal of the marriage penalty tax.

As many of us have realized, and most Americans I think recognized long ago, the marriage penalty tax works against the very fundamental institution that we claim is the center of our social fabric, the family.

How paradoxical that marriage, the very foundation of our social structure, is currently undermined in our Federal Tax Code. Our current Tax Code, instead of being fair to a husband and wife who both work full-time, places an unnecessary burden on married couples solely for the fact they are married. Under the current code, had this man and woman chosen to live together and file separately, they would not be punished by the Tax Code.

□ 1830

This is just plain wrong, and it is warped.

For instance, in my office alone, within 1 year, I have four staff members getting married. None of these individuals is living with his or her fiance before they get married.

All eight of these young people are young professionals. All eight of them are paying individual income taxes to the Federal Government. But when these eight individuals choose to wed, when each one of them chooses to become a husband or a wife, automatically, by the very virtue of that decision, they will suffer under the tax status by which they file because they are choosing marriage. They are doing the right thing.

But our Tax Code, in effect, tells them to do something else. If our Tax Code can speak, it would tell them that it is financially better for them if they refrain from making that marriage commitment. Our Tax Code essentially encourages two professional individuals to remain unmarried.

What is the financial cost here? Couples such as those I mentioned will pay an average of $1,400 a year in higher taxes due to the marriage penalty. In 1996, 21 million married couples were affected. And this must come to an end. So we must press for this budget agreement that includes $100 billion in tax relief for our married couples.

It is time that our Tax Code reflects this Nation's emphasis on the social virtue and the value of marriage. It is inconceivable that our tax policy should discourage the very fundamental unit of society, family and marriage, but that is what it does.

As our budget negotiations continue, as we seek continued and lasting tax relief for the American people, a repeal of the marriage penalty tax must be part of that mix. What may appear to be a seemingly small penalty hidden within the Tax Code harms in a very large way the institution on which we have based our society, the family.

So elimination of the marriage penalty restores tax fairness. It increases take-home pay for families. It strengthens marriage and families. It helps working women. It is the right thing to do, to repeal the marriage penalty tax.

On the comment in question that the gentleman from Florida (Mr. WELDON) mentioned previously, if we look historically at the growth of government, the rate of government spending, I think if you will look back 5 years, we have spent about $7.8 trillion on the Federal Government. Looking ahead for 5 years, it is proposed that we spend $9.1 trillion.

All we are doing with this marriage penalty tax is just moving that $9.1 trillion to $9.0 trillion. In other words, we are just saving 1 penny on the dollar. There is no better way to give tax relief to the American family than to repeal the marriage penalty tax.

Mr. MCINTOSH. Mr. Speaker, by the way, I would like to mention that the new freshman class had a budget proposal this year that included addressing this marriage penalty problem. I wanted to thank all of the new Members of Congress for getting behind us.

Oftentimes, the wisdom of some of the new Members gets lost on people who have been here a long time because they get used to spending that money. The gentleman has helped us make that point; that is, 1 penny on the dollar allows us to do what is right for the American family.

One other thing I wanted to point out, I mentioned a letter from my constituents. Sharon Mallory is the one who wrote it to me. I have also said that, in many ways, this tax relief is the working woman's tax relief bill of 1998, because the majority of this penalty ends up going to women who enter the workforce.

Oftentimes, a young lady will get married. She may have a career, put that on hold in order to raise her children. Then, when they get old enough, she wants to have the option of going back into the workforce or, in many cases, has to go back into the workforce just to make ends meet and be able to pay the monthly bills.

When that happens, the marriage penalty kicks in; and, for women, it almost means that they can pay as much as 50 percent or half of the money that they earn in taxes because all of that penalty comes out of her additional income.

So it is often the mothers in this country, the wives, the women who want to work and have a career or need to work to help their family, who are penalized most by this marriage penalty.

We need to recognize in the modern era that it is wrong to say to somebody we will give you equal opportunity to enter the workforce, but we are going to come around and tax you more, as much as 50 percent on your marginal tax rate for your income just because you are married.

A lot of the e-mails that I have received have been from women, mothers, young ladies who are getting married, women who are engaged and looking forward to seeing what will happen once they do get married. They are the ones who are most concerned, and rightfully so, because the incidence of this tax and the unfair burden falls most heavily upon women in this country. We need to eliminate it to allow them to have a chance to keep more of that money and use it for their family.

Other people have pointed out to me that, in some ways, it would allow women to have the choice of maybe working only part-time and spending more time with their children. If they did not have to pay that 50 percent tax on that extra income, they could cut back on their hours and spend more time at home where they would like to spend more time with their children.

So for women who would like to be at home and with their children but feel forced to go into the workplace to

make ends meet and pay the bills, this bill, the marriage tax elimination bill, will also help them make that choice for their families.

Let me now recognize the gentleman from Florida (Mr. WELDON) again for another comment.

Mr. WELDON of Florida. Mr. Speaker, I appreciate the gentleman for yielding.

I just want to stress the point that you were just making, that the burden of this so often does fall to the women, particularly when marriages fail. Much of the consequences of that falls to the women because, frequently, they do end up with the children and they have the added responsibility of raising the kids.

For the government to be establishing and maintaining tax policies that discourage marriage, to me, borders on criminal. The people who, more often than not, pay the real price for this are the wives, the mothers, and obviously the people who are really paying the price are the kids.

I was going through earlier some of the statistics on the impact on children. I have this chart here, and it is really very, very dramatic if you actually look at the numbers: 72 percent of juvenile murderers coming out of broken homes or single-parent homes; 60 percent of rapists; three of four teen suicides; twice as likely to drop out of school.

It has an impact on the parents. The parents have shorter life expectancy, poorer health, lower economic well-being.

Let me just say there are a lot of single moms and single dads who do a great job, and I meet them every day in my district. My hat is off to them, and I applaud them and their work. Many, many great Americans have been raised by very many heroic single parents going it alone; but as any one of them will testify to you, it is much, much harder.

God ordained the two-parent family, and raising kids is just tough. Anybody who has done that knows that is a fact.

I have done some numbers for the impact that this bill has for people in my district. What I did is I looked at a schoolteacher, two schoolteachers. They meet at school in Brevard County where I live in Florida. If they were making $30,500 a year, they get married, their combined income is $61,000 a year. So $30,500 single; they get married, $61,000.

If they file as singles, they would pay $3,592 in Federal taxes, for a total of $7,184. So they are living together out of wedlock, and that is their tax burden. When they get married, when they walk down the aisle, when they go to church and have their marriage blessed, their tax goes up to $8,563. That is $1,379 that they will pay as a marriage penalty.

In my opinion, that is obscene to have a Tax Code here in Washington that would actually apply that kind of a penalty on people who do the common-sense thing of getting married. It is for that reason that I have fought for this. I have supported this.

I just wanted to underscore what we were talking about earlier, because the people who will oppose this will point to all that money that the Federal Government will not get anymore, and they will make these arguments that it is going to hurt the environment or it is going to hurt education or it is going to hurt the elderly or the poor.

The real issue here, the real debate is, is the Federal Government going to grow at double the inflation rate, or is it going to grow at the inflation rate? The inflation rate is about 2 percent, 2.5 percent. There are people here who want to grow the Federal Government at 3½ and 4 percent per year, and they do not want to pass this marriage penalty.

I say, let us pass the marriage penalty, that we can manage business here in Washington with a little less money and give a little more money to working families.

That is such a critical issue here. These are working families, working moms. These are the people who are literally the backbone, the foundation of our country. More often than not, they are trying to raise kids. We are just trying to make it a little bit easier on them.

Yes, we can have the money to protect the environment. We can have the money to pay for programs for the poor and the needy. We can have the money to pay for a national defense and the other needs and still do this.

I see the gentleman from Indiana is going to go into that in a little bit of detail. He has a chart that I think demonstrates that very nicely, so I yield back to him.

Mr. MCINTOSH. Mr. Speaker, this chart here is something that we produced to show people the differences in spending levels for the various budget proposals that Washington is considering right now.

The President's budget that he introduced earlier this year has government increasing by 3½ percent for 5 years. That is 3½ percent each year for 5 years. It is roughly twice what the rate of inflation is.

By the way, the President did nothing to eliminate the marriage penalty. He says we need the money. We have got to keep penalizing married folks, make them pay more taxes so we can spend that 3½ percent more each year.

The Senate did a little bit better, reduced that down to slightly over 3 percent. They had about $30 billion from tax cuts. Well, that eliminates one-fifth of the marriage penalty. But people are still paying over four-fifths in the marriage tax each year.

The House budget that JOHN KASICH put out is about 2.7 percent, which is $100 billion in tax relief. That penny on the dollar, that would allow us to phase out over the 5 years the marriage penalty.

Then the final one is the Conservative Action Team or the CAT's budget. That holds it just under inflation or about 2.6 each year in the rate of growth of government. With that, we are able to have $150 billion in tax cuts, totally eliminate the marriage penalty this year so that next year on their income tax parents will not be penalized because they are married anymore.

Those are the choices. What is at stake right now is how we are negotiating with these different parties. But it is very clear the President is for more government spending and keeping the marriage penalty. The Senate is for splitting the difference, still having some marriage penalty, but spending a lot of money for the Federal Government. The House is for eliminating the marriage penalty, and that is what we are going to be voting on later this year.

While we were listening to the gentleman from Florida (Mr. WELDON), Angie was able to get the computer to work, and I have got some of these e-mails that I wanted to share with you just to show exactly what people around the country are saying about this marriage tax penalty.

The first one is from Christopher Schleifer who is from Fairfield, Ohio. Christopher writes: One of the biggest shocks my wife and I had when we decided to get married was how much more we would have to give the government because we decided to be married rather than live together. It does not make sense that I was allowed to keep a larger portion of my pay on Friday and less of it on Monday with the only difference being that I was married over the weekend.

□ 1845

Another e-mail came in from Wayne in Dayton, Ohio. He said,

> Penalizing for marriage flies in the face of common sense. This is a classic example of government policy not supporting that which it tries to promote. In our particular situation, my girlfriend and I would incur a net annual penalty of $2,000, or approximately $167 per month. Though not huge, this is enough to pay our monthly phone, cable, water, and home insurance bills.

That was from Wayne in Dayton, Ohio.

Then Thomas Smith, from Columbus, said,

> I am engaged to be married, and my fiance and I have discussed the fact that we will be penalized financially. We have postponed the date of our marriage in order to save up and have a ''running start,'' in part because of this nasty, unfair tax structure.

Then I have one from Thana and Emily in Everett, Washington. They write,

> My wife and I support McIntosh's bill 100 percent. I'd like to use the money that we could save for my 1-year-old daughter's college fund. My wife and I have made a commitment to one another that I work to pay bills and she works to pay taxes. It is not that funny, but we don't have any other choice but to just laugh it off.

I am hoping, Thana and Emily, that this House will pass the Marriage Tax Elimination Act so you can have a little bit extra for your 1-year-old daughter.

Finally, I wanted to share with Members a part of an e-mail from Andrew and Connie Barrington from Alexandria, Virginia.

We grew up together and began dating when we were 18. After dating for 3 years, we decided that the next natural step in our lives together would be to get married. I cannot tell you the joy that this has brought, but I must tell you that the tax penalty that was inflicted on us has been the only real source of pain that our marriage has suffered. Thank you for all you are doing to eliminate this horrible punishment for fulfilling our lives together.

Well, Andrew and Connie, it is my fondest hope that we will act this year. We will overcome the President's reluctance, we will overcome the Senate's shyness about eliminating the tax, and we will be able to say to you next year, no longer are you penalized on your taxes just because you are married.

I think it is critical that this House also make a resolution in the budget to hold the line on the spending in order to get there. In 1994 when the gentleman from Florida (Mr. WELDON) and I were first elected, the biggest difference between a Republican and a Democrat Congress was that we said we wanted to shrink the size of government. We have worked hard and we have balanced the budget. We have not shrunk it yet, but at least we are holding the line on spending.

This year, if we can hold that line to just under the rate of inflation or just around the rate of inflation, we can eliminate this unfair marriage penalty, allow everybody to pay the same, whether they are married or single, strengthen families, give the typical family in America more money out of their paycheck, so they can make for themselves the decision on how to spend that money, whether to save it for their children, for their college funds, whether to pay their cable bill, whether to get the braces, whether to go on a vacation this year.

All of those decisions should be left to the family. We want to end the fights that people have because they do not have enough money to pay the bills each month. One of the biggest reasons is the government takes more and more and more out of married people's payroll in taxes. I hope, and I think we have come farther than ever before, that this House will come together and eliminate this marriage penalty.

I yield to the gentleman from Florida (Mr. WELDON), and would ask if he has any further remarks to make on this.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I just wanted to close out my contribution to this special order to say how pleased I am to see us moving in this direction, and that we may be able to pass the repeal of the marriage penalty.

Many people ask me, how did you get into politics? You are a doctor, and most doctors do not go into politics. The way I got involved in it is I actually started a community group in the county that I live in called the Space Coast Family Forum. We call it the Space Coast because we launch the shuttle there, and as well, the Titan and Atlas rockets, and many may have seen the shuttle launch we had yesterday. It was a beautiful launch.

But we formed that group, myself and other people, because of our concern about the breakdown of the family in the United States. I felt very strongly, as do the others who helped me join together to form that group, that the family was the foundation upon which our society was based. It was really strong families that made for strong communities that made for strong States and nations. It was not great policies that emanate from the Capitol in Washington, D.C., but it was just strong communities that really made a difference.

One of the reasons I went further and ran myself, and became a candidate, and got elected, is I wanted to be able to come here and make a difference, and to do something to help families, to help working families. I am very pleased to see that we are heading in this direction. The President has made statements to indicate that he will support this. I am very pleased that the Committee on the Budget has incorporated provisions to allow for the end of the marriage penalty in this. I am very pleased to be able to support the gentleman and those others who have been involved with this effort.

Mr. McINTOSH. Mr. Speaker, for the closing portion of our special order, and I think we have about 10 minutes more, I will yield to one of my colleagues who has worked tremendously on the CATS budget, the Conservative Action Team budget.

As I mentioned earlier, using one of the charts of the gentleman from Wisconsin (Mr. NEUMANN), the President spends more and does nothing to eliminate the marriage tax penalty. The Senate spends a little less but keeps most of the marriage penalty. The House does eliminate the marriage penalty, and then the CATS budget keeps the budget under the rate of inflation, so we can totally eliminate the marriage penalty, plus have some tax cuts to spur job growth and save Social Security.

One of the reasons we have been able to do this is that one of our colleagues, a fellow who also came in with the gentleman from Florida (Mr. WELDON) and me in 1994, has worked tirelessly to study this budget to find out where we are spending too much money, where we are wasting taxpayers' dollars, where we can do a better job of holding back on this rate of growth in order to fulfill our promises of smaller government, lower taxes, saving Social Security, and returning our national defense to its proper place.

I yield the balance of the time on this special order to the gentleman from Wisconsin (Mr. MARK NEUMANN), one of the people in this House who has made a big impact on this budget.

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

Mr. Speaker, if the gentleman will point to the chart once more, point to the line of inflation in the President's budget, and then go up to where he is actually spending. The real question is, would we rather spend that extra money out here in Washington, in Washington-run programs, or would we be better off leaving that money in the pockets and hands of the people who earned the money in the first place? That is what this really is all about.

The marriage tax penalty is one of those commonsense issues in this country that makes people so angry out there in America. It is one of those issues, when you go to people and say, did you know that if four people work at the same job, they earn exactly the same money, and two of them are married to each other and two are living together, that the two that are living together pay less taxes than the two that are married to each other? People just go, why would we do that? What kind of government would allow that to happen? It is a commonsense kind of thing.

Then we would look at that chart and say, we could continue more Washington spending programs, have more spending going on in this community. The President has some ideas on how to start some new programs. He has laid out a whole list of new spending programs. That is what the distance from that black line that is the inflationary level up to where he is actually spending is. That is what that extra is, new spending programs that are going to be started here in Washington.

We could do that, if that is what we wanted to do. But we had Kelly Ann Fitzpatrick, a pollster here in Washington, a well-respected pollster out here, she went out and asked 2,000 Americans, she said, do you think government spending should go up faster than the rate of inflation, at the rate of inflation, or slower than the rate of inflation? And it was a 90 to 3 question. Ninety percent of the people said at or below the rate of inflation. Only 3 percent thought that government spending should go up faster than the rate of inflation.

I cannot emphasize enough what we are really talking about here is should we spend more of that hard-earned money out here in Washington, or should we leave that money in the pockets of the American people? I do not know if the gentleman mentioned earlier in the hour about the tax cuts that have already passed.

I think there is very little understanding in this country that when we look at what we have already passed, because of the savings we have been able to enact so far, things like $400 per child, 550,000 Wisconsin families next April when they figure out their taxes, they will get down to how much they

would have paid in taxes to Washington, and subtract $400 off the bottom line for the $400 per child tax credit.

This is just common sense. Who can spend this money better? I believe that our Wisconsin families can spend it better than the people out here in Washington.

Or the college tuition, I have two in college myself. I know a lot of our middle-income families that are struggling to pay college tuition bills. When they struggle to pay these college tuition bills, we looked at this picture and said, they earned $1,500. Would it not be nice if in the middle-income families, they could keep the $1,500 to help pay for college tuition, instead of sending to Washington?

I believe those 250,000 Wisconsin families and others like them all across America can spend that $1,500 better to help their kids go to college than the bureaucrats could if they got their hands on the money here in Washington. That is what this is all about.

Take capital gains. I have been having a lot of fun, and I do not know if my colleague from Indiana has been doing this. I have been asking when I am out in groups, how many own a stock, bond, or mutual fund? What I have been finding is that almost every single hand in the room has gone up. The number of people in America today who own stocks, bonds, mutual funds, or some sort of retirement plan like that is astronomical.

Then I say, well, shoot, I hope you earn a profit on it. I really hope you make a profit on your investment, because this is America. After all, is that not why you are investing? They all nod their head. When you make a profit, instead of sending $28 out of every hundred you now make in profit, you now only send $20, because our government has reeled in the growth of spending. It is still growing at the rate of inflation, like that chart shows, but we have reeled it in and stopped it from growing faster than the rate of inflation, so when you make a profit you do not have to send as much out here to Washington. That is just common sense.

Mr. MCINTOSH. Mr. Speaker, the amazing thing about that is as we have cut that tax by almost one-third, people are investing more in stocks and bonds and mutual funds, as the gentleman said, and as a result, the government is actually receiving more money with lower taxes.

Ronald Reagan was right: If we cut taxes, people will engage in more economic activity, and the government will actually receive the revenues it needs to do its business. I am glad the gentleman brought that up as a key part of what we have been doing here.

Mr. NEUMANN. The other one I like to talk about is the death and estate tax. We pay taxes on this money once. We go all through our lives, build up this estate. Would it not be nice if we got to the point in America again where we could pass this estate to our kids instead of giving it to the government?

I hope every American has the right to build their estate while they are living. I hope they are successful. I really do. That is what this country is all about. When we look forward to the next generation, I hope there are a lot of successful people out there. I think every American citizen should have the right to pass their estate on to their children, rather than to the United States government.

We have a long ways to go on the estate tax, but we did take the first shot last year. It is better than it used to be, at least. A lot of progress is being made. When we really look at this picture, it comes down to the question of whether Washington should spend the money, or should the people who earned the money keep it in their homes and families and do a better job of spending?

Mr. MCINTOSH. Let us look back at this chart again. I would ask the gentleman to explain to our colleagues and to Americans watching tonight, when we hold the line on the spending, and instead of going to 3.5 percent increases each year we just keep it to inflation, which the CATS budget does, the gentleman was also able to write into that budget some tremendous help for Social Security.

Would the gentleman share for us exactly what the difference is? The President spends the money on government programs that are supposed to go into the Social Security trust fund, and the gentleman has been able to write it so we actually actually put the money aside to be there for the senior citizens.

Mr. NEUMANN. That is an important part of the CATS budget. It spends less and it can provide more tax relief. It also provides more money set aside to preserve and protect Social Security than any of the other three budgets under consideration out here. We actually set aside all of the money that is coming in above and beyond what we are actually paying back out to seniors in benefits. We should be very clear on this.

Right now, today, with us baby boomers still in the work force, there is more money coming in for Social Security than what we are actually paying back out to our senior citizens in benefits. Today the government takes that money and spends it on other government programs and puts IOUs in the trust fund.

Under the CATS budget, that extra cash that is coming in for Social Security this year, over and above what is being paid back out to seniors, actually gets set aside in real money. We buy negotiable Treasury bonds and put them into the Social Security trust fund. It is very different than any other proposal out here at this time. It is really the right way to make sure that my mother's Social Security is safe in the near term.

We hear a lot of people talking about Social Security post 2030. The real problem in Social Security is not 2030, it is 2012. In 2012, we have more money going out to seniors in benefits. That is when the baby boom generation reaches retirement, and there are a lot of us racing towards retirement.

When the baby boom generation gets to retirement, there is more money going out than dollars coming in. That is when we are supposed to be able to go to the savings account trust fund, take the money, and make good on our Social Security promise.

The CATS budget actually puts real money into the savings account, so when 2012 gets here and we need the money, we can go to the savings account and make good on Social Security without raising taxes on the hard-working people in this country.

Mr. MCINTOSH. One other important point that I think is so important to stress on the gentleman's budget is that we have also been able to take care of the problem in defense.

We now realize, with China developing the technology to deliver nuclear weapons, not only to Hawaii but all across the United States, with India testing a nuclear weapon and Pakistan testing a nuclear weapon, that the world is a dangerous place.

□ 1900

Now, after the Cold War was over, we held our defense spending even, which meant with inflation we were actually going down each year in real terms. But because we held the line on everything else to just below inflation, we were able to raise defense up to the level of inflation over the 5 years. And I was going to have the gentleman share more with people how we were able to do that.

Mr. NEUMANN. Well, this is a reprioritizing of how we are spending the taxpayers' money. We can spend it on any one of a number of programs out here. We simply said, look, if the rest of the budget is going to be allowed to increase at the rate of inflation, we want our defense spending to increase at the rate of inflation too.

Everybody out here called that an increase. They call it cuts when we are actually spending much more than the rate of inflation. They call it an increase when we are only letting it go up at the rate of inflation. It is a very strange community when we start thinking about the actual language.

I had this discussion as a matter of fact with a well-respected reporter from Milwaukee, Wisconsin. And I mean it. He is a good reporter from the community of Milwaukee, Wisconsin, and we had this discussion.

My opponent was talking to me about how we were increasing spending by $9 billion in defense. I took out the numbers. Our first year here we spent $272 billion on defense. We are now spending $264 billion. We spent $272 billion the first year; we are now spending $264 billion.

Now in Wisconsin we would call that a decrease in spending, but that is not

what they call it. They call it an increase. Let me explain why that is an increase in spending, even though spending went down from $272 billion to $264 billion.

The President only requested $255 billion. So when we spent $264 billion, they called that an increase over what the President requested even though it was a decrease. And if listeners are not confused yet, I will give more numbers. But the facts are it gets twisted when one tries to listen to people in this community.

The bottom line in the CATS budget, defense spending is frozen in real dollars. That is to say, it is allowed to increase at the rate of inflation, and this is the only budget on the Hill that actually allows for inflationary increase in defense spending.

There are people out there that bought $75 hammers and $200 toilet seats. We ought to can those people. We ought to fire those people today. The people responsible for the waste in the military ought to be booted out and booted out right now.

But that does not mean that because of those few we should place our men and women in uniform in jeopardy, and that is what has been going on out here. They have been demagoguing it based on the few people who are making the horrible mistakes and wasting the defense dollars, and the result is that our young men and women in uniform are being put in jeopardy.

Mr. MCINTOSH. Mr. Speaker, with that let me yield back the balance of our time and urge all of my colleagues to vote ''yes'' on the CATS budget and support the elimination of the marriage penalty.

COMMEMORATING THE 130TH ANNIVERSARY OF NAVAJO TREATY OF 1868

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Mexico (Mr. REDMOND) is recognized for 10 minutes as the designee of the majority leader.

Mr. REDMOND. Mr. Speaker, 1998 is a very significant year in the history of the Navajo Nation. It is the 130th anniversary of the signing of the treaty between the Navajo people and the United States Government.

In honor of this 130th anniversary, this week I will be reading segments of the treaty until it has been read in full and people in America know what the treaty contains and what the agreement is between the government of the United States and the Navajo people. The treaty begins like this:

Andrew Johnson, President of the United States of America, ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made in Fort Sumner, in the Territory of New Mexico, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General W.T. Sherman and Samuel F. Tappan, Commissioners, on behalf of the United States of America, and Barboncito, Armijo, and other Chiefs and Headmen of the Navajo tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty and agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, 1868, by and between the United States, represented by its Commissioners, Lieutenant General W.T. Sherman and Colonel Samuel F. Tappan, of the one part, and the Navajo Nation or tribes of Indians, represented by their Chiefs and Headmen, duly authorized and empowered to act for the whole people of said Nation or tribe, (the names of said Chiefs and Headmen being hereto subscribed,) of the other part, witness:

Article I. From this day forward all war between the parties to this agreement shall for ever cease. The government of the United States desires peace, and its honor is thereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they willfully refuse to do so, the person injured shall be reimbursed for his loss for the annuities or other moneys due or to become due them under this Treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertains damages under this article as in his judgment may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty or the laws of the United States shall be reimbursed therefore.

Article II. The United States agrees that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Canon Bonito, east of the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-oso, Bear Spring, and west by a parallel of longitude about 109 degrees and 30 minutes west of Greenwich, provided it embraces the outlet of Canon-de-Chilly, which canon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein authorized to do so, and except such officers, soldiers, agents, and employees of the government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

Article III. The United States agrees to cause to be built at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, not to cost exceeding three thousand dollars; a carpenter shop and blacksmith shop, not to cost exceeding one thousand dollars each; and a school-house and chapel, so soon as sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

Article IV. The United States agrees that the agent for the Navajos shall make his home at the agency building; that he shall reside among them and shall keep an office at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Mr. Speaker, I thank the Chair for allowing me this time to read once again the Treaty between the Navajo Nation and the United States Government, the Treaty of 1868, Articles I, II, and III. We will continue to read on a sequential basis the rest of the articles of this Treaty, but the purpose of this is to celebrate the 130th anniversary of peace between the Navajo people and the people of the United States.

IN SUPPORT OF H.R. 2604, THE RELIGIOUS LIBERTY AND CHARITABLE DONATION ACT

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. Mr. Speaker, first I would like to thank the gentlewoman from New York (Mrs. MALONEY) for her kindness. I realize how important an issue we have to discuss in just a few minutes, and I wanted to add my support and respect for the importance of legislation that we just discussed here on the House floor just a short while ago.

One in particular, H.R. 2604, the Religious Liberty and Charitable Donation Act, particularly comes to mind as we are poised for some other discussions dealing with the First Amendment and, as well, religious liberty.

This bill is a bill that must and should have been passed, for it recognizes and respects the freedom of religion, and it was captured in the words of Judge Alphonzo Taft, father of President Howard Taft:

The ideal of our people as to religious freedom is absolute equality under the law of all religious opinions and sects . . . the government is neutral and while protecting all, it prefers none and disparages none.

This legislation protects donations to charities and to one's religious institution in the form of tithe or offering,

and separates it in protecting it from bankruptcy laws. I think it is crucial, as we move toward reforming or trying to do a better job in the bankruptcy arena, that we clearly emphasize the sanctity of the separation of church and State and the ability of an individual, an individual American, to give money to the religion of their choice.

As a proponent of freedom, I can say without reservation that this bill cuts to the heart of what our Constitution and our country are all about. It is so very important that we make sure that commercial public bankruptcy laws do not interfere with anyone who desires to indicate their choice of religion and their charity, particularly if that person is a debtor.

So, Mr. Speaker, I support this particular legislation and welcome its passage. If the person is a chapter 13 participant, they could be barred from tithing to their local church if their creditors object to the addition of this gift to their restructuring plan. By this legislation, we assure that will not occur. I believe this is a vote for religious freedom and opportunity.

With that, Mr. Speaker, I also would like to make sure and to emphasize my support for the Ticket to Work and Self-Sufficiency Act of 1998, H.R. 3433. There could not be a better bill recognizing the value of people with disabilities.

This bill allows the rejoining to the workforce of over 8 million people with disabilities who are currently collecting money from Social Security income or Social Security disability insurance. More than 30,000 of those people live in Harris County in the State of Texas.

I believe that the majority of the people with disabilities want to work, but under the current law, vocational counseling for people receiving SSI or SSDI can only be done by State-run vocational rehabilitation agencies who are only able to serve about 10 percent of disabled people.

This bill allows nonprofit and private organizations to help these people find meaningful and productive work. I think this certainly adds to the ability of getting individuals who want to stand up for themselves, who do not want to be discriminated against, who want to show people they can be independent, but at the same time helping them to move from dependence, along with many in the welfare arena, to independence.

□ 1915

This bill saves money for taxpayers. I do not think it precludes our public agencies from being involved, but it is extremely important that we allow more and more people with disabilities to find their way into the work force as they so choose.

ON THE CENSUS

The SPEAKER pro tempore (Mr. MCKEON). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Mr. Speaker, we are here today because we believe that a fair and accurate census is fundamental to the democratic principles on which our country was founded. We are here today because those principles are being threatened as never before. We have vowed to fight that threat to the very end.

There are some in this Congress who seek to manipulate the census process to assure that the errors that have been made in the past continue. There is nothing that they will not do to achieve their ends. They began 2 years ago by saying that sampling is unscientific. When that did not work, they said that modern scientific methods are unconstitutional. When that did not work, they began to attack the plan for the 2000 census as too complicated. I suspect that the next tactic will be to attack the Census Bureau's ability to take the census. Their goal is to make sure that the errors of 1990 are repeated in the 2000 census, because they believe those errors are to their political advantage.

Yesterday, the President of the United States was at a forum in Houston, Texas; and he called on the opponents of an accurate census to recognize that the census is about people, not about politics. This forum was held in Texas, Houston, Texas, in the district of my colleague, the gentleman from Texas (Mr. GREEN), who is here, and he will share with us more information that the President gave at this forum and will put a human face on his constituents, on people who are running programs, planning services, planning the roads, sociologists, professors, an entire forum of many people who could speak from a personal point of view of why an accurate census is important to our country.

I yield 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 thank my colleague from New York who journeyed to Houston yesterday and experienced our 98 degree temperature to discuss the census at a roundtable discussion with the President of the United States and people from my district, in fact, from all over Houston. Our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) was also there and here tonight.

It was estimated that the 1990 census undercounted 8.4 million people. Another 4.4 million people were actually counted twice. This undercount greatly reduces the Federal funding sent to a locality, particularly if one has an area like my State, where the undercount could be dramatic, whether it be California, Texas, Arizona, Florida.

It has been estimated that Texas, because of the undercount in 1990, lost $1 billion in Federal funds. That $1 billion is not just social welfare, as a lot of people think of it.

First, it is education funding, Title I funding that has a baseline in the census and an update every 2 years, health care. Veterans benefits is based on an accurate census and the number of veterans and the number of people in a given community. Highway construct funding is based on census. So that is why it is so important to have an accurate count.

An accurate count for Title I funding is so important because of the effort that is the Federal program to help children who are the most in need. And we need to have an accurate count. And, again, our Congress changed the law to have an update every 2 years in 1994, but we still have to have a baseline that is correct.

It is necessary to forecast information on accuracy for Social Security and Medicare. So without an accurate count, we are hurting, not only as a Nation but also individually, our communities.

Census Bureau officials have said that Houston was one of the most affected by the last census count. Over 66,000 people in the City of Houston were undercounted or uncounted. It estimates that, in 1990, Census missed 4.4 percent of the African American population, 5.5 percent of the Hispanic population, 2.3 percent of Asians and Pacific Islanders. It is a shame that our census is missing these people and these people are not being counted.

A fair count is necessary to ensure that all people in our country are represented and that they have a voice. A fair and accurate count is vital for information that is used by everyone, from the Department of Education to a small business marketing a new product.

Yesterday, again, President Clinton visited the congressional district I am honored to represent to discuss the need for an accurate count. He met with everyday people, not only people in the audience who were there, but he conducted a panel discussion by people who rely on census data in their everyday life.

Here is what some of the participants said:

Gilbert Moreno, who is the executive director of the Association for the Advancement of Mexican Americans, said that the census must accurately chart the growth of Hispanics in America. Over the next 50 years, Hispanics and Asians will provide almost half of the country's growth; and the accuracy of these statistics is crucial. And yet in the last census they were one of the two groups that were the most undercounted in our country.

Dr. Mary Kendrick, director of the City of Houston Health Department, said accurate census data is critical to the public health. She noted census data on child poverty helps determine nutrition programs and children's health programs in the City of Houston as well as around the country.

Glenda Joe, who is the owner of Great Wall Enterprises, a marketing firm aimed at the Asian American community, called the census the bible of corporations looking to plan their business allocations for marketing and advertising. An inaccurate count means she has trouble selling corporations on the idea of Asian American outreach because that community is uncounted.

Again, as a business person before I was elected to Congress, I used census data; and businesses, I know, use it. An uncount or a not accurate count hurts businesses trying to make a decision on marketing their products in our community.

The question arises, what is the best way to count our country's population? The past two censuses have shown that the current procedure undercounts our population, especially minorities. Some Members of the House believe that an accurate enumeration is the only way to take a census. In other words, what I would like to do, and in the past two censuses we have had where you count everyone. You have the mail brochures. You have people actually go out and see those people.

But I have people in my district, as all of us have, who may not want to mail back that information, who may not want to answer that door because the census does not have the right to come in our home and investigate us. They may because of their own privacy concerns. So they are being undercounted; that is, not counting people who may be concerned that there may be a language problem because the census takers in their neighborhood may not be conversant in the language that is customarily used in that neighborhood.

So we want to count everyone that we can by the old system, but we also need to make sure that the undercount, that we recognize there is an undercount, a mechanism to adjust that, and that is why sampling is so important.

That is why we need to count everyone we can and then have the statistical community endorse the use of sampling as a way of ensuring that the undercount that occurred in 1990 is not repeated.

Businesses use the same sampling techniques. That is all I think we, as a government, ought to use, is the same sampling techniques that businesses use to get the best we can for the dollars we spend for those census takers.

Let us also use sampling to make sure everyone is counted, even if they do not want to be, because that is the basis of not only allocation of our districts, but also it is so important for the next 9 years after redistricting for the allocation of resources to serve those constituents.

It was a great day yesterday. It talked about putting a human face on the need to have census data. We were at the Magnolia Multipurpose Center in the City of Houston. They have a senior citizen nutrition program. They have a WIC program. They have a health care clinic that serves children, and plus we have conducted a lot of our own town hall meetings at that location. It is a utilized facility, but that facility would not have the funds that they have today if we do not have an accurate count. In fact, they are doing with less today because of the undercount in that neighborhood in 1990.

We need to make sure we have an accurate count. I was glad my colleague from New York came to Houston, again, to brave our warm temperatures and to talk about how important the census, an accurate census is.

I thank the gentlewoman for yielding to me.

Mrs. MALONEY of New York. Mr. Speaker, yesterday at the Multipurpose Center in the gentleman's district, we met with real people, and we could see the real impact that an accurate census has on their lives.

Information gathered in the census is used by States and local governments to plan schools and highways, by the Federal Government to distribute funds for health care and other programs, and by businesses in making economic plans.

There was a person there from the private sector who said he needed to know where the people were so he knew where he would invest the expansion of his businesses. Because the census is so important, we must do everything that we possibly can to make sure that everyone is included in the count.

We know that previous censuses overlooked millions of Americans, especially young people, children and minorities. That is not fair, it is not accurate, and it is not acceptable. That is why the President went to Houston and met with Mr. Green and with the gentlewoman from Texas (Ms. JACKSON-LEE) and some of their constituents.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who was also at this meeting at the Multicenter yesterday. I thank her for being there yesterday and being here today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman very much for her very sound, very pivotal leadership on this issue of census.

One of the things that I have been saying, as I have been speaking to community groups, and my colleague, the gentleman from Texas (Mr. GREEN) knows that we have been trying to raise this issue up all over our community. I appreciate both his leadership and the opportunity to have been in his district. We happen to be neighbors. Census sometimes is not an exciting issue, but it can be a life-and-death issue, because the hope of America is its people, and everyone should count.

In fact, one of the posters that we had inside the Multipurpose Center was the idea that everyone counts. It was an artist's work done by the children of that community. Let me thank the children so very much for the beautiful work that they did, a beautiful rendition of the concept that everyone counts, because the people represented so many different racial groups and so many different language groups. We are very proud to be in that center.

My colleague already said that 66,000 people were not counted in Houston in 1990; 400,000 Texans were not counted. What do the numbers 4 percent, 5 percent and 2 percent mean, again, to us? Four percent African Americans not counted. Almost 5 percent or more Hispanics not counted. Two percent or more Asians not counted. That means almost 11 percent of our people in this country not counted.

I cannot believe, and I appreciate as well the presence of the gentleman from Ohio (Mr. SAWYER) who has been a leader on this issue. He joined us in Texas. That is how important it was to make this issue so prominent nationally.

How can anyone refuse to count a single person? How can anyone ignore the cultural differences of this very diverse Nation, not acknowledge that each and every one of those persons have a valuable role and are a contributor to society.

Glenda Joe made the point, as an Asian American and as a businesswoman, that her market depends upon knowing where her community lives, their likes and dislikes, to be able to make the point, the argument almost, that they should not be left out. Her numbers rely upon accurate census data. We already heard in 1990 that Asians were not counted.

Dr. Judith Craven, President of the United Way, doing an excellent job in all of our communities, she is president of the Houston Gulf Coast United Way, made a very vital point. We work together in this community. The monies that they raise, some 60 plus million by the private sector, is key to the census that knows how they can leverage those private dollars to the amount of public dollars. They use the census to know where to go, where to use these precious private sector dollars, what communities need, what are the ailments that are facing these communities.

□ 1930

She frankly said we would be lost without accurate census data, and also to be able to argue the case of where the Federal dollars should be spent.

Reverend Harvey Clements, who pastors in the same community that Barbara Jordan grew up in and Mickey Leland, former Members, now deceased, in the body of this House, Members who cared about people. Reverend Harvey Clements has seen Fifth Ward, a very old and historic neighborhood, be revitalized because he was able to use some of the census data. Unfortunately the 1990 data was certainly not accurate. But he was able to use some of the data to show where pockets of people in that community had left because of the degradation of that area. He was

able to show banks the potential of those people coming back, so that he could build 165 units, Pleasant Hill senior citizen units, he could build that with Federal money and FannieMae money in order to bring senior citizens back into the area, an area that they love but they had to leave because there was no housing. He could build over 100 housing units for families to come back into that area because he could prove by the census data that it had been a vital area in the past and it had the potential for being a vital area.

Mr. Speaker, there could be nothing more important than giving to every human being in this country the dignity of being counted. We have already proven that enumeration does not work. We have also proven that enumeration has not been able to count every American. And we have proven by the law of courts that sampling is constitutional. What more do we want? Our scientific leaders have already said sampling is accurate.

I know the gentlewoman from New York (Mrs. MALONEY) will join me in a smile, because we know that this may hit people differently, of an example used by Dr. Mineola, a sociologist from the University of Houston, who made a very obvious point. When we go to our doctors, our blood samples are taken. Out of those samples, we are diagnosed for a variety of things. Potential of heart disease, potential of any blood disease or blood concerns, any sort of hypertension or other matters may come out of that tiny, small sample. Now, it sounds as if we are going somewhere very sacred, but people understand what that means, that when you go to a doctor, they cannot sometimes take an assessment of everything, but they can get a lot of reading, accurate reading, of what your situation is out of that very tiny blood sample.

What is wrong with recognizing the scientific leaders of this issue, with recognizing the legal points of this issue that have already said that this is the correct way to do it, sampling? And might I add as I see the gentleman from Connecticut (Mr. SHAYS) come to the floor and certainly the gentlewoman from Connecticut (Ms. DELAURO), this is a bipartisan issue. I would simply say to the gentlewoman from New York (Mrs. MALONEY), I was delighted to be with my next-door neighbor, the gentleman from Texas (Mr. GREEN), to be joined by so many leaders in the community including Dr. Stephen Klineberg, a Rice University sociologist, that have been doing surveys in our community for years and discovered the emerging and exciting Asian population who also affirmed that sampling is the best and most accurate way to go and really sort of challenged us: Do we have to tolerate this political process? Can we not just simply do what is right?

The hope of America are its people. If that is the case, everyone must be counted. I hope that we will do the right thing in this Congress and allow the census to be taken by sampling, and thereby not leave anyone outside of the circle, the senior citizen, the mother and baby needing WIC, the youngster needing Pell grants, the children needing to be educated, then we will be a very proud country and as well we will have reached the promise that we have made as our commitment that every American should be counted.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her statement and for her attending the conference yesterday in Houston.

The President made the point over and over again that the census is about people, not about politics. Our goal is the most accurate census employing the most up-to-date scientific methods with the most cost-effective use of taxpayers dollars.

We have been joined tonight on this special order by the gentlewoman from Connecticut (Ms. DELAURO). I yield to one of our Democratic whips. I thank her for coming down to the floor.

Ms. DELAURO. I thank the gentlewoman from New York. I applaud her and commend her for the work that she has been doing over, it is more than several months, it is the last couple of years, on this issue. She has been indefatigable and once more oftentimes crying out in the wilderness alone on this issue, but she has really brought to everyone's attention the importance of the accuracy of the census.

Census counting happens only every 10 years. The goal, as she has said, is to have accuracy, to be cost effective, and to allow for every single American to be counted amongst the population of this country. I was listening to her comments and the comments of the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. GREEN) and wishing I was in Houston. This sounded like a wonderful effort, if you will, to bring life to the numbers. Because these are not just numbers, they are not numbers on a page, it is not statistics. This is flesh and blood, real human beings who mean something in this Nation. We are a Nation of people. The necessity for statistical sampling in the year 2000 will guarantee a fair count, an accurate count for all Americans.

In our Connecticut delegation, and I am delighted to see the gentleman from Connecticut (Mr. SHAYS) on the floor, we were locked arm in arm, Republicans and Democrats, in support of sampling when the House voted on this issue in September. This is not a partisan issue. The men, women and children in this Nation are all Americans. This is not a partisan issue. It should not be a political issue. The only way to achieve this fair count, as has been stated over and over again tonight, is with statistical sampling. This reduces the error rate to .1 percent. It would complement and not replace the traditional method of counting. The Census Bureau would avoid undercounts, again that has been said, of minorities, children, seniors, everyone in this country. We have to have a full and accurate picture as we enter into a new century. We cannot fulfill our obligations and our responsibilities to help Americans succeed in their everyday life, in that struggle to create a better way of life for their families and for their communities.

I would say to my colleagues who went to Houston, I do not know if there are any more opportunities, if you will, to be on the road, because people are not paying attention to this issue. It does not come up around their kitchen table. The issues that come up around our kitchen tables are, Will we have enough money to get our children to school? What is going to happen with our retirement? What is our security all about? Am I going to be eligible for Social Security and for Medicare and a whole variety of other kinds of programs, and education programs that the Federal Government participates in? That is why we need to bring this issue to the American public so that when they are thinking about those kitchen table issues and in those discussions that in fact the census and the counting of all Americans has a direct bearing on the ability, their own ability in their families to participate in some of these efforts.

We have all said on this floor that government is not going to solve all of people's problems. We cannot do that. But we sure as heck have the obligation to help people in crafting the tools that they need to meet the challenges in their lives.

The census, if you will, is a blueprint and an infrastructure in order to look at some of these programs and who is eligible for them. Each year census data determines the distribution of $170 billion in Federal spending. As we have all said, the dollars go to programs, Social Security, Medicare, road improvements, child care for low-income families, for middle-income families, Head Start, school lunch programs. It saves us money in sampling. With the use of sampling, the census will cost $4 billion. Without it, as I understand it, it will cost $7.2 billion.

I would just say, and I have said that this is not a partisan issue, but I will say that the leadership on the other side of the aisle, the Republican leadership, I believe is playing politics with the American people when, as we have characterized, this should not be a part of the debate.

Some of the claims on the sampling from the majority leadership in this body is that sampling will delete responses to the census. This is not true. There are people on this floor tonight who have spent a lot more time with this issue and can address it. No responses will be deleted. Instead, it is the Republican plan, the Republican leadership's plan of avoiding sampling that in fact will delete important populations across the Nation from the count.

Often we hear on this floor that what we ought to do is to run government

more like a business. I will just say that America's largest corporations use statistical sampling every single day. They base billions of dollars on the results, and their decisions, which are billions of dollars, are directly based on these statistical sampling results. What we do not want to do is what happened in the last census, is that as many as 10 million people were not counted. We need to correct that.

Let me say that, further, we should put this question to the American people. We have two options. One will give us inaccurate information. It will cost more. The other will provide accurate information and cost less. Sometimes we wonder why we are even having a debate on an issue when it is as clear-cut and when there is bipartisan support in this effort. Nevertheless, there is a debate.

I applaud my colleagues for taking out this special order. I think in fact what we need to do is to bring this issue, as unglamorous sometimes as it is, but we need to bring it to the attention of the American public, because so much of what their lives are about is going to be determined by how in fact we do count every single American in this country.

I want to thank my colleagues for asking me to join in this effort tonight. I look forward to the continuing weeks when we will have more debate on this issue on the floor of the House. I thank the gentlewoman.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from Connecticut. What she pointed out is that so much of it is part of our everyday lives, that this data is important to us and we must have accurate data.

To prove the point, I just took one day of USA Today and cut out of the paper all of the articles that were based on census data. I really challenge all my colleagues and all of the listening public to do the same thing. When you read the paper, notice how many articles really are based on the census. On the front page, one of the articles that was cut out is about the recent successes in the war on cancer. Measurement of these successes requires information on national disease rates, which rely on census data. There is also a little front page article on recent college graduate jobs and pay situations. The column on ''What's Up in Washington,'' it talks about Social Security, transportation, it talks about grant moneys, that are based on census numbers.

We must have an accurate count. It is a bipartisan effort. With me is the gentleman from Connecticut (Mr. SHAYS). I would like to yield to him. He has been a leader on this issue in our bipartisan effort to get a fair and accurate count.

Mr. SHAYS. I thank the gentlewoman for yielding and want to take this time to thank the gentlewoman from Connecticut (Ms. DELAURO). It is very satisfying to me that of the eight members in the Connecticut delegation, we all see eye to eye on this very important issue. It may be in Connecticut we are sensitized to this fact because Connecticut tends to be an urban State. We do not have large cities, but it is a very urbanized type of State. We know that the census has overlooked the count, particularly in urban areas.

Mr. Speaker, as the gentlewomen have pointed out, we need an accurate census. It truly is the basis of our democracy, and as important as the Voting Rights Act. When I looked at the 1990 census, the census itself has determined they missed 8.4 million people. Totally missed them. It counted 4.4 million people twice. It also counted more than 13 million people in the wrong place, for a total error rate of 10 percent, a significant error rate.

The undercount in urban areas is significant. It is in rural areas as well, but its impact in urban areas is quite significant given the large number of people who live in urban areas.

This to me is quite distressing, 5.7 percent of those in the black community were not counted compared to 1.3 percent in the white community. And Latinos were also disproportionately missed. Now, to improve the count, the Census Bureau needs to test intensive door-to-door surveys.

□ 1945

The Census Bureau needs to test various outreach programs. It needs to test various ways to advertise. It needs to test hiring practices and whom to hire. It needs to test telephone responses. It needs to test multi-site form distributions. It needs to test polling by mail.

Now they are going to send out more than once to a household that has not responded; and, yes, it also needs to test and review the results of statistical sampling.

Now when we talk about sampling I think there is a tendency to think that what you do is you find one-tenth of 1 percent and then determine what 99.99 percent are. But this is not the way it works under the statistical method. Basically, you do all those other things. You go into a census tract and you send out the mail, you have outreach, you telephone, you have door-to-door canvassing. But in the end they arrive at about 90 percent, and there is about 10 percent they have not found, and so what they do is they use the statistical methods to take 90 percent to determine the remaining 10 percent. They are not taking 1 percent to determine 99 percent or a half of 1 percent. They are taking 90 percent of the population to determine the 10 percent.

Now I realize that more Republicans then Democrats oppose using statistical methods in the political environment, but I have not yet found one Republican opposed who is familiar with statistical systems who works in New York or in other urban areas and uses statistical methods to determine so many things in their own businesses. I have not encountered one who has not said that you get a fairer and more accurate count by using statistical methods.

And the whole point is we want to just test it. We want to test to see how accurate it will be, and we are having to confront some in our aisle and particularly on my side of the aisle who do not even want to test it, do not even want to allow it to show its validity or not. If the tests prove not to work, then we should not use statistical methods. But that would be surprising because when you count 90 percent it is quite easy to determine the 10 percent.

I just would like to conclude by saying to you that the politicians in Congress that are Republicans, many of them oppose it, and I think their basis for opposing it are groundless. We will have a more accurate count. That is the only thing that should matter.

It will mean, yes, we will count more blacks and more Latinos. I do not make an assumption that more blacks and more Latinos are going to vote against Republicans. They might if they realize we do not want them to be counted. That might be cause to not want to vote for Republicans. But we do want them to be counted. We want to know where every American lives. We want every census tract to be accurate, not just on the basis of the financial aid that is distributed by the Federal Government and how businesses use the data, but also to make sure that we have the most accurate count, to make sure we draw the lines accurately for not just congressional seats but for State representative and State Senate seats and for even council seats.

I would like to conclude by thanking Dr. Barbara Bryant, who was the census director under President Bush. She was the individual who, working with experts of all political persuasions, determined that we needed to test sampling. There is uniform agreement on the part of those who are the experts that we should proceed.

I would like to thank Mayor Giuliani of New York and Mayor Richard Riordan of Los Angeles, who both support using statistical methods. They know if we do not their cities will be undercounted, and their constituents will not be receiving the rights they are entitled to.

And I would like to conclude by thanking Congresswoman Maloney for being the true champion on this issue, doing it in a very bipartisan way, just dealing with the facts. Obviously, there are more on her side of the aisle that support using statistical methods; but, at the same time, she has consistently reached out to Republicans and others to just say, ''Let's just do what is right.''

And I would also like to thank her for her outstanding contribution in campaign finance reform, something that I am spending even more time on than on an issue like this, to say that she is truly a leader on this issue, and it has been a pleasure to work with her

on both the census and campaign finance reform.

Mrs. MALONEY of New York. I, too, would like to thank the gentleman for his leadership on campaign finance reform and also the census. Chris Shays and myself, we are both co-chairs of the Census Caucus, and we have been working this year trying to build a broad base of support on both sides of the aisle for a fair and accurate census. Thank you for your statement tonight.

Mr. SHAYS. Thank you very much.

Mrs. MALONEY of New York. With us tonight is a leader on so many issues and on the census as well, Congresswoman JUANITA MCDONALD.

Ms. MILLENDER-MCDONALD. Thank you so much, Congresswoman MALONEY. And let me just thank you for your leadership, along with Congressman Chris Shays, for your tenacity in ensuring that everyone is counted and everyone will be counted in this next census 2000. It is your leadership that has forced us to come and join you on this very critical issue.

I am happy to stand with you tonight as you organize this special order to discuss the census. It is an important discussion because, one, I represent California; and California was undercounted by 800,000 votes, citizens I should say, last census count. 800,000 persons were undercounted in California in 1990, which has now been shown as the worst census count ever in the years that we have been doing the census count.

California could ill afford to lose a seat in the House when our population has grown far beyond any other State in this Nation, and so it is important that we have statistical sampling so that we can count all of California's citizens in the next census.

It is also an important discussion for African Americans and other minorities because the outcome of the controversy over the methodology the Bureau of Census uses will say a great deal about whether the three branches that make up our government truly believe that everyone counts. It will stand as a test of how far our Nation has come from the days when people of African decent were considered three-fifths of a person by our Constitution. Indeed, this whole debate would make an interesting case study about contemporary race relations in the United States.

On one side we have the forces of science, two centuries of experience and political leaders committed to insuring that the census that determines the apportionment of seats in the people's House is fair and that everyone is counted. On the other side, we have the forces of tradition inspired by two centuries of experience fighting to keep some people in this country from being made whole and political leaders determined to ensure that this census undercounts some and overcounts others.

Instead of using offensive terminology in a direct frontal attack on the principles of equality, fairness and respect for diversity, they resort to sophisticated and obscure legal reasoning and obstructionist tactics. And why? What do they fear? The opponents of sampling claim that the modern statistical methods being proposed in this census and overwhelmingly supported by the scientific community are subject to political manipulation.

However, a memorandum prepared by Stuart M. Gerson, Assistant Attorney General of the Civil Division of the Justice Department for the Commerce Department's General Counsel, noted that a head count, quote, might be subject to political manipulation in the form of a congressional refusal to appropriate sufficient funds for census programs aimed at reducing the undercount of minorities or by an overly restrictive local review procedure. On the other hand, the Census Bureau statisticians might perform a statistical adjustment in a manner yielding highly accurate results, unquote.

The opponents believe that if African Americans were counted as whole individuals using accurate methods instead of the nine-tenths they were during the 1990 census, it could shift control of the House from the Republicans to the Democrats. How else can we explain the Speaker's flip-flop from being a supporter of statistical adjustments based on sampling in 1992 to heading a lawsuit against sampling now?

The opponents are using an interpretation of the constitutional mandate to conduct an enumeration in an effort to preclude the Bureau from using methodologies demonstrated to improve accuracy in the most cost-effective way. By claiming the Constitution requires a physical head count of the entire population, they deliberately seek to avoid reaching the populous in densely populated urban centers unwilling to open their doors to strangers asking intrusive questions about living arrangements and those in isolated rural communities. And we know which demographic profile predominates in these areas, do we not?

What the opponents of an accurate census really fear are the American people themselves in the glory of their ethnic racial gender and socioeconomic diversity. The opponents do not believe that everyone counts, only those that look like them and live in the same types of neighborhoods they do. By assuming an accurate count of the Latino, Asian American, Native American and African American communities as well as the residents of rural areas, it will lead to unpredictable political shifts in power. They display their contempt for any notion changing their agenda in an effort to address these constituencies' needs, hopes and aspirations.

Mr. Speaker, we must make sure everyone is counted in the year 2000, and no one should be left out. This is why I am joining the gentlewoman from New York (Mrs. MALONEY), the gentleman from Connecticut (Mr. SHAYS) and all others who are sensitive and do know the importance of counting everyone.

Mrs. MALONEY of New York. Thank you for your statement and thank you for being a leader on making sure that all Americans are counted, no matter where they live, no matter what their ethnic background.

Yesterday, the President in Houston not only met with people who were speaking about what the census meant in real terms to their lives, but he also called upon the opponents of an accurate census to recognize that the census is about people, not about politics.

Unfortunately, they responded, the opponents that is, with politics as usual. The chairman of the Republican conference tried once again to invoke the Constitution, but, as we all know, actual enumeration is not a specification for what methodology should be used in the census, and the Constitution is quite clear on that point.

You see, Mr. Speaker, the chairman only quoted part of the Constitution because it suited his purpose to distort and to confuse. What the Constitution says is that the actual enumeration shall be made, and I quote, in such manner as they, meaning the Congress, shall by law direct, end quote. Congress passed a law in the 1940s delegating to the Secretary of Commerce the authority to determine the manner in which the census shall be taken.

If that are were not bad enough, recently there was a lengthy brief filed in the case of the House of Representatives versus the Department of Commerce that looks at the dictionaries used by the Supreme Court to interpret the Constitution. Those dictionaries defined enumeration as the act of, quote, numbering or counting over, and they define to number as to reckon how many to compute or to input.

The chairman of the Census Subcommittee accused the President of, and I quote, pedaling statistical snake oil, end quote, but the chairman showed his true colors. He is more concerned with protecting the double counts in the census, and there were 4.4 million people overcounted, in making sure that those people missed are forever left out. He claims that real people are going to be deleted from the census.

That is simply not true. No one's form is going to be deleted from the census, and no one other than the chairman has ever suggested such a possibility.

Last month, the chairman tried to frighten the public by claiming that the census was on the path to failure.

□ 2000

He likened it to the Titanic. Once again the chairman failed to do his homework. Modern technology has shown that the failure of the Titanic was not in the design, but because the manufacturer used substandard rivets.

The real parallel to the Titanic is that the chairman wants to make sure

that we use substandard technology in the census so that fails too. Why? Because he believes that errors in the census are to his party's political advantage.

Two years ago the Census Bureau put forth a new plan for the 2000 census. It is a plan founded on 200 years of experience in conducting the census. It is a plan created with the understanding of 60 years of research on who was missed in the census. It is a plan with the advice of hundreds of experts, inside and outside the Census Bureau.

The plan for the 2000 census has been endorsed by dozens of organizations and hundreds of individuals, groups like the American Chamber of Commerce, the Researchers Association, the American Statistical Association, the Cities of New York and Los Angeles, the Leadership Conference on Civil Rights, the National Academy of Sciences, the National Association of Regional Councils, the National Association of Latino Elected and Appointed Officials, the National League of Cities, the National Association of Counties, the Paralyzed Veterans of America, and the United States Conference of Mayors. These are all organizations committed to a fair and accurate census in the year 2000.

Despite this broad and overwhelming support, the opponents of the census continue their attack. Why? Because they believe the errors in the census are to their political advantage. I used to believe that all of the misstatements in their rhetoric were just because the speakers did not know much about the census, and I would go to the floor and try to set the record straight so that my colleagues could judge the facts for themselves. But now I truly believe that the mistakes in my opponents' statements are purposeful and they are there to confuse and mislead the public.

Today you have already heard a number of my colleagues talk about the importance of a fair and accurate census and the high cost of the errors in the census. That cost is very human and very real. The 1990 census, according to the General Accounting Office, had 26 million errors in it, people missed, people counted twice, and people counted in the wrong place. Most of those missed were urban and rural poor; most of those counted twice are suburban and white.

The opponents of an accurate census cry out against the idea that we should correct the census for those counted twice. ''Don't you dare take people out of my county,'' they cry. At the same time, they fight with the same energy to make sure that nothing is done to account for those missed in the census for those that have historically been undercounted. Why? Because they believe that errors in the census are to their political advantage.

The opponents of a fair and accurate census say that the 1990 census was pretty good; the second best ever, they say.

The 1990 census was the most unfair census ever measured. Is that what they consider pretty good? Unfortunately, it is.

The opponents of an accurate census want to continue this system, where those fortunate enough to have two homes are counted twice, and the poor and the minorities are missed. It is time for the American public to reject ideas like that and the people who promote them. We need an accurate census and we need to support the plan that has been put forward by the National Academy of Sciences and the Census Bureau to count every single American.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just presented.

The SPEAKER pro tempore (Mr. MCKEON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

THE CHILDREN'S PROTECTION FROM INTERNET PREDATORS ACT OF 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, as Chairman of the Congressional Missing and Exploited Children's Caucus, I am introducing the Children's Protection From Internet Predators Act of 1998 to help combat the exploitation of our children on the Internet.

While the Internet is one of the most powerful tools in finding missing children, its vast reach is unfortunately also being used to hurt our children. Child pornography has resurfaced with a vengeance with the advent of computer technology. Now, child predators have a new medium to lure our children away through chat rooms and web pages.

Child pornography has flourished on the Internet, with child pornography being traded freely in chat rooms, news groups and private E-mail.

During one week in March of this year, the Houston Chronicle reported that U.S. customs agents, who are charged with investigating Internet crimes against children, seized computers from a home and a church, saying the equipment was used to send and receive child pornography through the Internet.

Apparently that was not the only seizure of child porn during that week. A man was accused of possessing and distributing pornographic images of children on the Internet. A subsequent search of his home revealed thousands of pornographic images on his computers, including at least 150 illegal pornographic images of children as young as six years of age.

Chat rooms on the Internet are being used by predators to lure our children away from their families. We read in the newspapers about tragic incidents. One of a chemical engineer who traveled from Oklahoma to Corpus Christi, planning a sexual rendezvous with a 13-year-old girl he met over the Internet. In Tacoma, Washington, a 36-year-old man was arrested for raping a girl he met and lured over an Internet chat room.

Well, today I am introducing the Children's Protection from Internet Predators Act of 1998 in Congress. It will fund the U.S. Customs Service child pornography enforcement program. That program is called the International Child Pornography Investigation and Coordination Center. It is designed to help combat the growing problem of child pornography and child predators on the Internet.

Child pornography and incidents of children being lured on the Internet vastly outnumber the people and the resources in the law enforcement community who are trained to handle such crimes. Well, this legislation gives an extra $2 million to law enforcement to track, monitor and stop child exploitation on the Internet.

My concern with the lack of funding provided for the U.S. Customs Service child pornography enforcement program is obvious. Ever mindful of the widespread benefits which the Customs Service provides, I am greatly discouraged that the fiscal year 1999 budget does not provide adequate funding for this program. So I urge my colleagues to take this issue seriously, that we fund the $2 million necessary to help protect our children from victimization.

Mr. Speaker, I am sure you will agree that this is a small price to pay to reduce the exploitation of our children.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, I want to address the Chamber on campaign finance reform and to just base some brief remarks about that.

First, I wish to express tremendous gratitude to the 104th Congress for the work it did on a bipartisan basis to pass Congressional accountability. Getting Congress under all the laws that we impose on the rest of the Nation was the first bill that the 104th Congress, the Congress of the last term, presented to President Clinton to sign, and it puts Congress under all the laws it exempted itself from, the civil rights laws, OSHA, fair pay provisions, a 40 hour workweek and so on.

Now, some Members of Congress may not like all those laws, but the fact is that we imposed those laws on the rest

of the Nation, and we need to make sure we abide by them ourselves. We will write better laws if we have to live by the laws that we impose on the rest of the Nation. That was the first bill we passed, and I think it is a major reform.

Another reform was the gift ban. We were going to model what was in the Senate side to limit gifts. In fact, we actually outlawed any gift, unless it was inconsequential. A hat or a T-shirt would still be allowed under our rules, but we got rid of all those free meals that were quite expensive and being abused, and that was a reform that passed on a bipartisan basis.

We also passed a lobby disclosure bill in the last term. The significance of that was it had not been amended since 1947, and in 1954 the Supreme Court basically gutted the provisions, so we had a very weak lobby disclosure law. The 104th Congress passed lobby disclosure.

Congressional accountability, getting us under all the laws we impose on the rest of the Nation, gift ban, lobby disclosure, passed in the last Congress on a bipartisan basis, and they are reforms I am very proud we passed.

The one area we left really unanswered was campaign finance reform. We have had votes during the 11 years I have been here, but we have never really coalesced on a bipartisan basis around a bill that we could pass. There was one bill presented to President Bush, but when that bill had the opportunity to be presented to President Clinton, it never got there.

Right now we have an historic opportunity to take up 11 substitute bills on campaign finance reform. We have a complete and open rule. We will have nongermane amendments made in order. There are important amendments, but the technicality of not being germane will be disallowed by the Committee on Rules. In other words, they will make in order these nongermane amendments that some perceive will improve the very substitutes that will be offered.

I would like to address one of those substitutes. I would like to address the McCain-Feingold bill in the Senate and a bill that my colleague, the gentleman from Massachusetts (Mr. MEEHAN) and I and so many other Members on the Republican and Democrat sides of the aisle have offered.

One of the substitutes, referred to as either Meehan-Shays or Shays-Meehan or McCain-Feingold or Feingold-McCain, is a bipartisan amendment that bans soft money. Now, soft money is the unlimited sums that individuals, corporations, labor unions and other interest groups give to the political parties, supposedly for party building and registration, but they get right back down to the candidates and have circumvented our campaign laws. We seek to ban soft money on both the Federal and State level for Federal candidates.

We also want to call the sham issue ads what they are, campaign ads. We want to make sure that these issue ads that really are campaign ads are called what they are, campaign ads. Therefore, they come under the campaign laws.

We do this by adding to the ''magic word test'' that moves an issue ad to a campaign ad. Right now an issue ad that says ''vote for'' or ''vote against,'' ''reelect,'' ''defeat'', that trips from an issue ad into a campaign ad and then comes under campaign laws.

□ 2015

It does not mean people's freedom of speech has been deprived, it just means they come under the same rules that everyone else comes under who has to abide by the campaign laws.

We do this by adding another provision to the magic word test. If you use the candidate's name or an image of that candidate, it becomes a campaign ad 60 days prior to an election. When it becomes a campaign ad, it means that the expenditures have to be reported and the limits of contributions have to be adhered to. It means that no corporate money can be used in those ads, and no union dues money can be used in those ads.

We also codify Beck. The Beck decision is a decision by the Supreme Court that says if you are not a union worker, your agency fee, does not have to include money going for political purposes. It means you will pay less.

We codify the Beck decision and require that unions notify nonunion members covered by union contracts that they do not have to participate in the political process through their union dues.

We also improve the, Federal Election Commission's, disclosure and enforcement requirements. Disclosure will be done by filing electronically within 4 hours after receiving a major contribution in the last 20 days of an election; and then 48 hours later it will be made public and be available on the Internet for anyone who is interested.

We also say that wealthy candidates can contribute up to $50,000 to their own campaigns and still have the $62,000 contribution from their political party. But anything more than $50,000 means that then the political parties cannot contribute to a wealthy candidate who is using his or her own money.

We ban unsolicited mass mailings using the frank 6 months prior to the election. That means, by May no franked mail can be sent that is district-wide, the kind that would be a newsletter or questionnaire.

Then we also make sure that it is clear that foreign money and money raised on government property is illegal. We would intuitively think it is illegal. But if it is soft money, it is basically viewed by most as not being illegal.

In other words, it is not illegal to call from the White House or from Congress for a soft money donation, because soft money, the unlimited sums that individuals, corporations, and labor unions give to the political parties, is not deemed campaign money. It is deemed soft money for party building. We know now it is used as campaign money; but technically, under the law, someone who seeks foreign money contributions or raises money from a government building is not breaking the law.

Now, I believe strongly that we need to hold every executive branch employee accountable for his or her actions, and every President. One of my concerns has been that my own party is very eager to hold President Clinton accountable for wrongdoing, and that part I acknowledge is important, but then there is a big disconnect because too many of my own party do not want to do the other part of that process. The other part of the process is to reform the law where it needs to be reformed.

When this Congress investigated President Nixon, a Democrat Congress, they did two things. They held President Nixon accountable for the misdeeds he did and his administration did, and they reformed the law, the 1974 campaign finance law reforms. They did both. They held the President accountable and they reformed the system. In my view, that gave them credibility to look at what the President had done.

Unfortunately, in this Chamber too many of my colleagues, I think, on the other side of the aisle do not want to hold the President accountable where he needs to be held accountable but want to reform the system, which I am grateful for. Too many on my side of the aisle want to hold the President accountable but do not want to reform the system. We have to do both. That is our job. Our job is to do both.

In the next few weeks we will be debating a constitutional amendment presented by the gentleman from Texas (Mr. DELAY), and then we will be debating 11 substitutes. One of them is a commission bill. The commission bill has merit, if it was not being compared to a bill that bans soft money and takes the sham issue ads and calls them what they are, campaign ads, codifies Beck, improves the FEC disclosure and enforcement, deals with franking, and makes illegal the foreign money and fund-raising on government property. You might need a commission bill if you did not have this bill to choose.

But we are going to deal with 11 substitutes and we have a fair and open rule. Any amendments can be offered. It means we are going to have extensive debate on the floor. It means it is going to be protracted. It is going to be a very long process.

But I do think, if Members on both sides of the aisle just do what they think is right, if they try not to be partisan in the process, that this will be a good education for us and the American people.

My hope is the commission bill will not pass, at least not get as many votes as the Shays-Meehan or Meehan-Shays

bill, because we structured the debate so that 11 substitutes are being offered, and each substitute can have unlimited amendments.

So we are going to take each substitute, we are going to debate it, offer amendments, and then we are going to vote it up or down. It is conceivable that the commission bill could get 230 votes. If it did, and Meehan-Shays or Shays-Meehan got 225, even though the Shays-Meehan bill got more than 218 votes it is trumped by one that did better.

My hope is that while the commission bill, under certain circumstances, on a certain day and at a certain time would have made sense, it does not make sense now. I am hoping that my colleagues will choose not to vote for that bill and trump the Meehan-Shays bill.

I am also hopeful that the bill offered by the freshmen, which is a bipartisan bill and has many meritorious parts to it, it bans soft money on the Federal level, not the State, and we think while we have an honest disagreement with our colleagues, mostly freshmen, that we just think it really relocates a lot of the soft money to the States' political parties for them to spend for the candidates.

We feel that you have to deal with the sham issue ads. I mean, we have an extraordinary problem that these ads have become more and more blatant and more and more dishonest. They are dishonest in not disclosing who is paying for them allowing unlimited sums by some individuals. They also allow groups that may represent a particular interest that do not want to disclose their interest, to spend money and campaign against an opponent without disclosing that their real interest is something else.

For example, the NRA, the National Rifle Association, may campaign against someone, never bringing up the issue that they really oppose them on, that person supported the assault weapon ban, and making it sound like that candidate is bad for other reasons. We want the NRA to just be up front and say it is their ad, and we want them to have to abide by all the rules that anyone else has to disclose where they get their money, and raise their money under the requirements of the campaign law.

You will have pro-choice groups and pro-life groups that want to do the same thing. And you have pro-assault weapon ban groups as well as the NRA that opposes the assault weapon ban. So it is going to apply to everyone, and it should.

The bottom line is that we are going to have extensive debate on campaign finance reform in the next few weeks. I am very hopeful that it will do credit to this Congress to debate this issue. That is why I ran for public office, not to deal with this issue behind closed doors but to do it in the light of day.

I conclude by pointing out that some on my side of the aisle, in particular, will say behind closed doors that the American people do not care about campaign finance reform. I challenge them to say it publicly. I submit that the American people do care about campaign finance reform. They are not apathetic, they are just frustrated. I think we sometimes confuse their frustrations with apathy.

I send out a questionnaire in the fall of the first year; and then in the winter of the second year, I sent out the results. I also send out every vote that I have made in the first year. This document will tell people how I voted on every issue, besides also pointing out where I had 38 community meetings that people could come to.

But in the questionnaire results, I asked the question, which is the most important issue for Congress to address? That was question A. There were about 30 choices, or close to that. The last choice was ''other'', in case they had something other than the choices I offered. The balanced budget came up as the first concern, the most important issue. Tax is the second. Campaign finance reform came third. Some could say, well, it was only their third choice. It beat education, health care and crime.

Admittedly, it was a mutually exclusive list, so only 8.3 percent of my constituents chose that as the most important issue. I would not have even been one of them. As much as I believe campaign finance reform is important, I would have chosen the balanced budget as the most important issue to deal with, getting our country's financial house in order.

It does not mean that I think taxes or campaign finance reform or education or health care are unimportant, they are just not my first choice. But it showed up as the third choice in the question, what is the most important issue? It showed up as the seventh choice as what is the second most important issue.

Then I made this very biased statement and asked my constituents whether or not they agreed with it: Our democracy is threatened by the influence of unlimited campaign contributions by individuals, corporations, labor unions, and other interest groups. Our democracy is threatened.

I asked people whether they strongly agreed, agreed, no opinion, disagreed, strongly disagreed. The response was the following: 51.7 percent of my constituents believed that our democracy is threatened by the influence of unlimited campaign contributions by individuals, corporations, labor unions, and other interest groups.

The unlimited contributions, that is soft money. That is what we are banning. And 32.5 percent of my constituents agreed with that statement. In other words, 84.2 percent of my constituents believe our democracy is threatened by soft money, the unlimited campaign contributions by individuals, corporations, labor unions, and other interest groups.

I realize that every district is different. I realize that I represent a district of very informed voters, in many cases well-to-do, although I have a lot of poor people who live in my urban areas of Stamford and Norwalk and Bridgeport. But when 84.2 percent of my constituents believe their democracy is threatened, it certainly is a message to me.

I wager if other Members ask the same question, they would get the same result. They could have chosen that they had no opinion or they disagreed or they strongly disagreed with the statement, but 84 percent of my constituents strongly agree or agree.

I am hopeful, almost prayerful, that we will be able to look back at the end of this month and say we did our job, we responded to the wishes of our constituency, and we also responded to our own intuitive sense.

I do not think there is a Member in this Chamber who does not recognize that soft money is polluting the system. It has become a narcotic that both political parties are getting addicted to.

My hat is off to my colleagues on the other side of the aisle who have taken a disproportionate share of support for the Meehan-Shays or Shays-Meehan bill, and I am respectfully appreciative of my colleagues on this side of the aisle who are taking a strong stand for this bill, even though they still constitute a minority of those who are supporting Shays-Meehan or Meehan-Shays.

I thank my colleagues on both sides of the aisle and particularly, if I could, my colleagues on this side of the aisle for kind of bucking the trend. I think you are doing the right thing. I am convinced of it. I believe if we do the right thing, if we ban soft money, if we call sham issue ads what they are, campaign ads, and have them come under the campaign laws, and have everyone have their freedom of voice under the same rules that everyone else has to deal with, codify Beck, improve FEC disclosure and enforcement, make sure that wealthy candidates cannot buy an election by getting support from the political parties when they are already putting so much of their own money in, banning unsolicited franked mass mailings 6 months to an election, and making sure that foreign money and raising money on government property is illegal, making sure that that is illegal, passing that bill without amendment, without amendment, and sending it on back to the Senate, I think that you will see an amazing response from our Senators.

□ 2030

I think they will know that this House had the courage to do what was right, and there will be extraordinary pressure, and maybe even a bit of conscience taking on the part of our Senators, saying, ''We know only 53 voted for it last time,'' which is a majority in the Senate, ''we need to pick up 7 more votes.''

But I feel pretty confident that if we do our job, the Senate will do its job and pass their bill, McCain-Feingold, which is the compatible piece to Shays-Meehan.

RECESS

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

Accordingly (at 8 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 55 minutes p.m.

THE USER FEE ACT OF 1998

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

Mr. SOLOMON. Mr. Speaker, tonight I do the unimaginable. On behalf of the President of the United States of America, I am introducing the ''User Fee Act of 1998.'' This is a 96-page bill and it contains over $25 billion of increases in what are technically called ''user fees,'' but what they should more accurately be called is tax increases, because that is what a user fee is, Mr. Speaker.

These 36 tax increase were included in President Clinton's budget for fiscal year 1999 that is not going to be brought on this floor by the Democratic minority. The President, of course, included these 36 tax increases in an attempt to provide his administration with more taxpayer dollars to spend on big government spending schemes.

These user fees increase the cost on families through increased entrance fees for national parks, on farmers through increased safety and inspection fees, and on older Americans through increased Food and Drug Administration costs, Medicare costs, and Social Security fees, if you would believe that, Mr. Speaker.

Passing costs from the government to taxpayers, no matter we call it, are tax increases on the American people. American families would have less money in their pockets if President Clinton's initiative were made law. I introduce this bill today not as a show of support for the President, but as a crystal clear opportunity for the House to show who is taking more of the taxpayers' dollars.

Account Title		1999	2000	2001	2002	2003
Discretionary Fee Proposals						
Offsetting Collections Deposited in Appropriations Accounts:						
Department of Agriculture Animal and Plant Health Inspection Service Fees	President	−10	−10	−10	−10	−10
	CBO	−7	−15	−15	−25	−25
Grain Inspection, Packers and Stockyards Administration Licensing Fees	President	−17	−21	−21	−21	−21
	CBO	−10	−21	−21	−21	−21
Food Safety and Inspection Service, Meat, Poultry, and Egg Products Inspection Fee	President	−473	−573	−573	−573	−573
	CBO	0	−573	−573	−573	−573
Natural Resources Conservation Service (NRCS) Cost-Share Fee	President	−10	−15	−15	−25	−25
	CBO	−2	−5	−5	−10	−10
Farm Services Administration, Farm Service Fee	President	−10	−15	−15	−25	−25
	CBO	−7	−15	−15	−25	−25
Department of Commerce National Oceanic and Atmospheric Administration (NOAA), Navigational Assistance Fee	President	−3	−11	−11	−11	−11
NOAA, Fisheries Management Fee	President	−20	−20	−20	−20	−20
	CBO	−22	−22	−22	−22	−22
Patent and Trademark Office, Patent Fees	President	−182	−189	−207	−219	−228
	CBO	−182	−197	−210	−225	−241
International Trade Administration, Trade Promotion Fees	President	−6	−12	−12	−12	−12
	CBO	−6	−12	−12	−12	−12
Department of Health and Human Services Food and Drug Administration Fees	President	−128	−128	−128	−128	−128
	CBO	−12	−128	−128	−128	−128
Physician, Provider, and Supplier Enrollment Registration Fees	President	−20	−21	−21	−22	−23
	CBO					
Managed Care Organization Application and Renewal Fees	President	−37	−38	−39	−41	−42
	CBO					
Initial Provider Certification Fees	President	−10	−10	−11	−11	−12
	CBO					
Provider Recertification Fees	President	−52	−54	−56	−58	−61
	CBO					
Paper Claims Submission Fees	President	−110	−114	−118	−122	−126
	CBO					
Duplicate and Unprocessable Claims Fees	President	−36	−37	−38	−39	−41
	CBO					
Department of the Interior Bureau of Land Management, Hardrock Location and Maintenance Fees	President	−39	−40	−41	−42	−43
	CBO	−39	−40	−41	−42	−43
Department of Labor Alien Labor Certification Fee	President	0	−40	−40	−40	−40
	CBO					
Department of Transportation Coast Guard, Navigational Assistance Fee	President	−35	−165	−165	−165	−165
	CBO	0	0	0	0	0
Surface Transportation Board Fees	President	−16	−16	−16	−16	−16
	CBO	−5	0	0	0	0
Army Corps of Engineers, Wetlands Permit Fee	President	−7	−14	−14	−14	−14
	CBO	−7	−14	−14	−14	−14
Federal Emergency Management Administration, Radiological Emergency Preparedness Fees	President	−13	−13	−13	−13	−13
	CBO	0	0	0	0	0
National Transportation Safety Board, Aviation Accident Investigation Fee	President	−6	−6	−6	−6	−6
	CBO					
Social Security Administration, Claimant Representative Fees	President	−7	−9	−9	−9	−9
	CBO	−1	−9	−9	−9	−9
Offsetting Collections Deposited in Receipt Accounts:						
Department of Transportation, Federal Railroad Administration, Railroad Safety Inspection Fees	President	−82	−82	−82	−82	−82
	CBO	−83	−83	−83	−83	−83
Department of Treasury, Customs Merchandise Processing Fee	President	−48	−48	−48	−48	−48
	CBO	−48	−48	−48	−48	−48
Environmental Protection Agency (EPA), Pesticide Registration Fees	President	−16	−16	−16	−16	−16
Pesticide Registration Fees EPA, Chemical Pre-Manufacturing Notification Fee	President	−8	−8	−8	−8	−8
	CBO	−15	−24	−24	−24	−24
Nuclear Regulatory Commission, Extend NRC Fee	President	−313	−314	−322	−332	−342
	CBO	−313	−314	−322	−332	−342
Social Security Administration, Claimant Representative Fees	President	−12	−17	−17	−17	−17
	CBO	−12	−17	−17	−17	−17
Mandatory Fee Proposals						
Offsetting Collections Deposited in Appropriations Accounts:						
Department of Health and Human Services, Medicare Cost-Based Provider Audit Fees	President	−395	−395	−395	−395	−395
	CBO	−265	−274	−283	−293	−305
Bank Examination Fees	President	−89	−94	−97	−101	−106
	CBO	−48	−100	−109	−118	−128
Offsetting Collections Deposited in Receipt Accounts:						
Department of Health and Human Services, Medicare Premiums	President	−127	−679	−814	−1025	−1234
	CBO					
Department of the Interior, Interior/USDA, Entrance and Recreation Fees	President	0	−86	−88	−88	−90
	CBO		−94	−97	−99	−102
Department of the Interior, National Park Service, Concession Fees	President	−3	−6	−12	−18	−25
	CBO	−3	−3	−3	−3	−3
Collections Deposited in Governmental Receipt Accounts:						
Federal Aviation Administration, Proposed User Fees	President	0	−1700	−1700	−1700	−850
	CBO	0	−1700	−1700	−1700	−850

REMEMBERING BARRY GOLDWATER

The SPEAKER pro tempore. At his own request, the gentleman from Arizona (Mr. HAYWORTH) is recognized for the balance of the time remaining until midnight.

Mr. HAYWORTH. Mr. Speaker, I rise this evening having just returned from my home State and a gratifying service in remembrance of a true American patriot.

Family, friends, and an entire Nation remembered Barry Goldwater today for his contributions to our country, for his outspoken conservative convictions, indeed for his conservative conscience.

Mr. Speaker, we watched as the Goldwater family so eloquently remembered their brother, father, husband, grandfather, for Barry Goldwater was all of these things and yet more. For Arizonians, and indeed for many Americans, it seems that we remember Barry Goldwater as a member of our families giving voice to common sense, conservative ideals; willing at times to stand alone for the courage of his convictions; always foremost in his mind the ideals of freedom and the notions of liberty.

Indeed, today in route to the auditorium on the campus of Arizona State University, there were protestors. One can imagine our friend Barry, with that outlook of his saying, ''You know, I don't agree with what these protestors have to say, but I would defend their right to say it.''

There are many personal recollections I have of the gentleman. One in particular is one of our final joint appearances together in front of the Phoenix 100 Rotary Club. He had his name place card there and he wrote three words on it: Russia, China, freedom. From those three words, Mr. Speaker, Barry Goldwater stood and delivered a 30-minute speech, all-encompassing, enlightening, about the state of geopolitics and the emerging freedoms in previously enslaved countries around the world.

Barry Goldwater, an American original. He will be missed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 78, PROPOSING AN AMENDMENT TO CONSTITUTION OF UNITED STATES RESTORING RELIGIOUS FREEDOM

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–563) on the resolution (H. Res. 453) providing for consideration of the joint resolution (H.J. Res. 78) proposing an amendment to the Constitution of the United States restoring religious freedom, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 285, EXPRESSING SENSE OF CONGRESS THAT PRESIDENT OF THE UNITED STATES SHOULD RECONSIDER HIS DECISION TO BE FORMALLY RECEIVED IN TIANANMEN SQUARE BY GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–564) on the resolution (H. Res. 454) providing for consideration of the concurrent resolution (H. Con. Res. 285) expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of 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. CON. RES. 284, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–565) on the resolution (H. Res. 455) providing for consideration of the concurrent resolution (H. Con. Res. 284) revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States Government for fiscal year 1999, and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003, 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. MCINNIS (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MICA (at the request of Mr. ARMEY) for today on account of official business.

Mr. KOLBE (at the request of Mr. ARMEY) for today on account of attending the funeral of former U.S. Senator Barry Goldwater.

Mr. SHADEGG (at the request of Mr. ARMEY) for today on account of attending the funeral of the late Senator Barry Goldwater.

Mr. SALMON (at the request of Mr. ARMEY) for today on account of attending the funeral of the late Senator Barry Goldwater.

Mr. HAYWORTH (at the request of Mr. ARMEY) for today on account of attending the funeral of the late Senator Barry Goldwater.

Mr. DICKEY (at the request of Mr. ARMEY) for today on account of attending the funeral of former U.S. Senator Barry M. Goldwater.

Mr. COX of California (at the request of Mr. ARMEY) for today on account of attending the funeral of former U.S. Senator Barry M. Goldwater.

Mr. DOOLITTLE (at the request of Mr. ARMEY) for today on account of attending the funeral of former U.S. Senator Barry M. Goldwater.

Mr. ROTHMAN (at the request of Mr. GEPHARDT) for today on account of family business.

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. DELAHUNT) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. DELAHUNT, for 5 minutes, today.
Mr. BLUMENAUER, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. UNDERWOOD, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BARRETT of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Texas, for 5 minutes, today.
Mr. JONES, for 5 minutes, on June 4.
Mr. MCHUGH, for 5 minutes, on June 10.
Mr. SOLOMON, for 5 minutes, on June 10.
Mr. BOEHLERT, for 5 minutes, on June 10.
Mr. LEWIS of Kentucky, for 5 minutes, on June 10.

(The following Members (at his own request) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, 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. DELAHUNT) and to include extraneous matter:)

Mr. KIND.
Mr. STARK in two instances.
Mr. DAVIS of Illinois.
Ms. SANCHEZ.
Mr. DEUTSCH.
Mr. PALLONE.
Mr. SHERMAN.
Mr. RANGEL.
Mr. KILDEE.
Mr. UNDERWOOD.
Mr. TOWNS.
Ms. KIRKPATRICK.
Mr. MCDERMOTT.
Mr. MILLER of California.
Mr. BENTSEN.
Ms. KAPTUR.
Mr. KUCINICH.
Mr. LANTOS.
Mr. VISCLOSKY.
Mr. BONIOR.
Mr. KLECZKA.
Mr. PASCRELL.
Ms. NORTON.
Mr. STOKES.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. OXLEY.
Mr. RADANOVICH.
Mr. ROGAN.
Mr. SOLOMON.
Mr. BEREUTER.
Mr. COBLE.
Mr. PAPPAS.
Mr. BUYER.

(The following Members (at the request of Mr. SHAYS) and to include extraneous matter:)

Mr. WELLER.
Mr. GILLMOR.
Mr. DIXON.
Mr. HASTERT.
Mr. Sam JOHNSON of Texas.
Mr. BOB SCHAFFER of Colorado.
Ms. LEE.
Mrs. MCCARTHY of New York.
Mr. CONDIT.
Mr. GALLEGLY.
Mr. ACKERMAN.
Mr. TRAFICANT.
Mr. MENENDEZ.
Ms. ROS-LEHTINEN.
Mr. RILEY.
Mr. FILNER.
Mr. BOUCHER.
Mr. STOKES.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the ''Joseph P. Kinneary United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 2032. An act to designate the Federal building in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''; to the Committee on Transportation and Infrastructure

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. 2400.

An act to authorized funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 28, 1998:

H.R. 2400. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

ADJOURNMENT

Mr. Solomon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), the House adjourned until today, Thursday, June 4, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9295. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation; Hawaii [97–063–2] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9296. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [98–051–1] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9297. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—1998 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports [CN–98–002] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9298. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Revision in Minimum Grade, Container, and Pack Requirements [Docket No. FV98–925–3 IFR] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9299. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—General Regulations and Standards for Certain Agricultural Commodities (RIN: 0580–AA54) received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9300. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Decreased Assessment Rate [Docket No. FV98–979–1 FIR] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9301. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1997–98 Marketing Year [Docket No. FV98–982- 1 FIR] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9302. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Stonefruit Endorsement; and Common Crop Insurance Regulations, Stonefruit Crop Insurance Provisions (7 CFR Parts 401 and 457) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9303. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1998, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—257); to the Committee on Appropriations and ordered to be printed.

9304. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation authorizing the Secretary of Defense to fund international inspector expenses from the Organization for the Prohibition of Chemical Weapons (OPCW) related to verification activities at Department of Defense facilities; to the Committee on National Security.

9305. A letter from the Director, Wahington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Waiver of Collection of Payments Due From Certain Persons Unaware of Loss of CHAMPUS Eligibility [DoD 6010.8–R] (RIN: 0720–AA43) received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9306. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Tolls for Use of Canal; Rules for Measurement of Vessels (RIN: 3207–AA45) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9307. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortgage Insurance; Electronic Underwriting [FR–4311–I–01] (RIN: 2502–AH15) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9308. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report for the 1997 calendar year, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

9309. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on H.R. 3579, the Supplemental Appropriations Act, FY 1998, pursuant to Public Law 99—177; to the Committee on the Budget.

9310. A letter from the Secretary of Education, transmitting Final Regulations—Preschool Grants for Children with Disabilities, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9311. A letter from the Acting Assistant General Counsel, Department of Education, transmitting the Department's final rule—Preschool Grants for Children with Disabilities (RIN: 1820–AB47) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9312. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of Treasury, transmitting the report, ''The Financial Viability of the Government-Guaranteed Student Loan Program''; to the Committee on Education and the Workforce.

9313. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—PBGC Recoupment and Reimbursement of Benefit Overpayments and Underpayments (RIN: 1212–AA87) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9314. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting Annual uranium purchase reports, pursuant to 42 U.S.C. 2296b—5; to the Committee on Commerce.

9315. A letter from the Secretary, Consumer Product Safety Commission, transmitting the Commission's final rule—Requirements for Child-Resistant Packaging;

Household Products with More Than 50 mg of Elemental Fluoride and More Than 0.5 Percent Elemental Fluoride; and modification of Exemption for Oral Prescription Drugs with Sodium Fluoride [16 CFR Part 1700] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9316. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on Reserve component equipment and military construction requirements not included in a fiscal year's budget request; to the Committee on Commerce.

9317. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Limitation on Allowability of Compensation for Certain Contractor Personnel (RIN: 1991–AB43) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9318. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sinorhizobium meliloti strain RMBPC–2; Significant New Use Rule [OPPTS–50630A; FRL–5789–5] (RIN: 2070–AB27) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9319. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Enhanced Motor Vehicle Inspection and Maintenance Program [DC–036–2011; FRL–6103–3] received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9320. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Ozone Areas Attaining the 1–Hour Standard and to Which the 1–Hour Standard is No Longer Applicable [FRL–6105–6] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9321. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Requirements for Hazard Education Before Renovation of Target Housing [OPPTS–62131; FRL–5751–7] (RIN: 2070–AC65) received May 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9322. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Wyoming; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [WY–001–0001a; FRL–6104–7] received May 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9323. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Perry, Florida) [Docket No. 97–205 RM–9161] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9324. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Telephone Number Portability [CC Docket No. 95–116 RM 8535] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9325. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shelley and Island Park, Idaho) [MM Docket No. 97–194 RM–9128] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9326. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McFarland and Coalinga, California) [MM Docket No. 97–204 RM–9143, RM–9158] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9327. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Macon, Mississippi) [MM Docket No. 97–188 RM–9137] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9328. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bozeman, Montana) [MM Docket No. 98–23 RM–9226] received May 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9329. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revisions to Part 21 of the Commission's Rules regarding the Multipoint Destribution Service [CC Docket No. 86–179] received May 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9330. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Brinkley and Colt, Arkansas) [MM Docket No. 98–15 RM–9142] received May 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9331. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices [ET Docket No. 95–19] received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9332. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Speculator, New York) [MM Docket No. 98–12 RM–9220] received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9333. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Vergennes, Vermont, Willsboro and Malone, New York) [MM Docket No. 97–185 RM–9080 RM–9197] received May 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9334. 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 96–45] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9335. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Changes to the Board of Directors of the National Exchange Carrier Association, Inc. [CC Docket No. 97–21] Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9336. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Direct Food Substances Affirmed as Generally Recognized as Safe; Sheanut Oil [88G–0288] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9337. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers [Docket No. 90F–0310] received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9338. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Package Size Limitation for Sodium Phosphates Oral Solution and Warning and Direction Statements for Oral and Rectal Sodium Phosphates for Over-the-Counter Laxative Use [Docket No. 78N–036L] (RIN: 0910–AA01) received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9339. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 96F–0489] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9340. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption; Monester of alpha-Hydro-omega-Hydroxy-Poly (Oxyethylene) Poly(Oxypropylene) Poly(Oxyethylene)(15 Mole Minimum) Blocked Copolymer [Docket No. 97F–0283] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9341. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Year 2000 Readiness Of Computer Systems At Nuclear Power Plants [NRC Generic Letter No. 98–01] received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9342. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States [Release Nos. IC–23201; File No. S7–23–95] (RIN: 3235–AE98) received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9343. A communication from the President of the United States, transmitting notification that the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs emergency is to continue beyond May 30, 1998, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 105—259); to the Committee on International Relations and ordered to be printed.

9344. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—260); to the Committee on International Relations and ordered to be printed.

9345. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 98–39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9346. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 10–98 which constitutes a Request for Final Authority to Conclude a Framework Memorandum of Understanding (MOU) and Phase I Project Arrangement (PA) with the United Kingdom for the Joint Anti-Armor Weapons System Project, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9347. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9348. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 12–98 which constitutes a Request for Final Authority to conclude Project Arrangement with Canada concerning Distributed Mission Training technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9349. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to Public Law 102—138, section 181 (105 Stat. 682); to the Committee on International Relations.

9350. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 1997 annual report on international terrorism entitled ''Antiterrorism Assistance Program,'' pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

9351. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective May 10, 1998, the danger pay allowance for Cambodia has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

9352. A communication from the President of the United States, transmitting determination that Pakistan, a non-nuclear-weapon state, detonated a nuclear explosive device on May 28, 1998, pursuant to section 102(b)(1) of the Arms Export Control Act; (H. Doc. No. 105—258); to the Committee on International Relations and ordered to be printed.

9353. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations: Family Remittances; Travel Remittances; Carrier Service Providers; Currency Carried by Travelers [31 CFR Part 515] received May 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9354. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination and certification of eight countries that are not cooperating fully with U.S. antiterrorism efforts: Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria, pursuant to AECA section 40A; to the Committee on International Relations.

9355. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations: Fully-Hosted or Fully-Sponsored Travel and Restrictions on Travel Transactions [31 CFR Part 515] received May 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9356. A letter from the Secretary of Defense, transmitting the proposed obligation of FY 1995 funds to implement the Cooperative Threat Reduction Program, pursuant to Public Law 104–106; to the Committee on International Relations.

9357. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9358. A letter from the Secretary of Health and Human Services, transmitting the semiannual report to Congress for the period October 1, 1997 through March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9359. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department of Labor's Inspector General covering the period October 1, 1997 through March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9360. A letter from the Chief Financial Officer, District of Columbia, transmitting the 1997 Management Letter Report issued by the District's independent auditors, KPMG Peat Marwick, LLP, pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

9361. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9362. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Acquisition Streamlining (RIN: 1991–AB35) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9363. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General ending March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9364. A letter from the Public Printer, Government Printing Office, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9365. A letter from the Acting Associate Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting a report on NASA's FY 1999 Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

9366. A letter from the Senior Deputy Chairman, National Endowment for the Arts, transmitting a Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action for the National Endowment for the Arts for the period of October 1, 1997 to March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform and Oversight.

9367. A letter from the Chairman, National Science Board, transmitting the report from the Acting Inspector General covering the activities of his office for the period of October 1, 1997—March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9368. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program: Removal of Minimum Salary Requirement (RIN: 3206–AI05) received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9369. A letter from the Inspector General, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9370. A letter from the Chairman, Federal Election Commission, transmitting the 1997 Annual Report about the activities performed by the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Oversight.

9371. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a report entitled ''America's Historic Landmarks at Risk: The Secretary of the Interior's Report to the 105th Congress on Threatened National Historic Landmarks,'' pursuant to 16 U.S.C. 1a—5(a); to the Committee on Resources.

9372. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the Lewiston Orchards, Project Idaho, Safety of Dams Modification Report, pursuant to 43 U.S.C. 509; to the Committee on Resources.

9373. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Pueblo Dam, Fryingpan-Arkansas Project, Colorado for safety reasons, pursuant to 43 U.S.C. 509; to the Committee on Resources.

9374. 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; Pacific Cod by Vessels Using Hook-and-Line Gear in Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 051598A] received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9375. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fisheries; Rescission of the 1998 Summer Period Scup Fisheries Closures in Delaware, New Hampshire, Maryland, and Massachusetts [Docket No. 971015246–7293–02; I.D. 051498C] received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9376. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean

Quahog Fisheries [Docket No. 980212038–8117–02; I.D. 020298A] (RIN: 0648–AF41) received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9377. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Annual Quota Specifications and Effort Controls [Docket No. 980320071–8128–02; I.D. 012198C] (RIN: 0648–AK87) received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9378. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Bycatch Reduction Device Certification [Docket No. 980505118–8118–01; I.D. 042798C] (RIN: 0648–AL14) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9379. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Halibut and Sablefish Fisheries Quota-Share Loan Program; Final Program Notice and Announcement of Availability of Federal Assistance [Docket No. 980324076–8076–01; I.D. 031798B] (RIN: 0648–ZA38) received May 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9380. A letter from the Secretary of Health and Human Services, transmitting the thirtieth in a series of reports on refugee resettlement in the United States covering the period October 1, 1995 through September 30, 1996, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

9381. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Regulations; Authority Corrections (RIN: 2125–AE41) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9382. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and -200 Series Airplanes [Docket No. 96–NM–264–AD; Amendment 39–10531; AD 98–11–04] (RIN: 2120–AA64) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9383. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 96–NM–263–AD; Amendment 39–10530; AD 98–11–03] (RIN: 2120–AA64) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9384. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class C Airspace and Revocation of Class D Airspace, Springfield-Branson Regional Airport; MO [Airspace Docket No. 95–AWA–10] (RIN: 2120–AA66) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9385. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Mason City, IA [Airspace Docket No. 98–ACE–31] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9386. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ainsworth, NE [Airspace Docket No. 98–ACE–16] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9387. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Livingston, MT, and Butte, MT, and Removal of Class E Airspace; Coppertown, MT, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9388. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Gordon, NE [Airspace Docket No. 98–ACE–9] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9389. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Fort Leonard Wood, MO [Airspace Docket No. 98–ACE–17] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9390. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kimball, NE [Airspace Docket No. 98–ACE–10] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9391. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. Model TFE731–40R–200G Turbofan Engines [Docket No. 98–ANE–30–AD; Amendment 39–10527; AD 98–10–15] (RIN: 2120–AA64) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9392. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B16 Series Airplanes [Docket No. 98–NM–21–AD; Amendment 39–10425; AD 97–25–11R1] (RIN: 2120–AA64) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9393. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–40–AD; Amendment 39–10528; AD 98–11–01] (RIN: 2120–AA64) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9394. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 98–NM–153–AD; Amendment 39–10529; AD 98–11–02] (RIN: 2120–AA64) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9395. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29225; Amdt. No. 1868] (RIN: 2120–AA65) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9396. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29227; Amdt. No. 1870] (RIN: 2120–AA65) received May 29, 1998., pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9397. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace, Lubbock Reese AFB, TX, and Revision of Class E Airspace, Lubbock, TX [Airspace Docket No. 98–ASW–18] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9398. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29226; Amdt. No. 1869] (RIN: 2120–AA65) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9399. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 97–NM–331–AD; Amendment 39–10538; AD 98–11–11] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9400. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Livingston, MT, and Butte, MT, and Removal of Class E Airspace; Coppertown, MT [Airspace Docket No. 97–ANM–20] received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9401. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes [Docket No. 97–NM–102–AD; Amendment 39–10549; AD 98–11–24] (RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9402. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 97–CE–38–AD; Amendment 39–1045; AD 98–11–20] (RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9403. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfahrt GmbH Models 228–100, 228–101, 228–200, 228–202, and 228–212 Airplanes [Docket No.97–CE–121–AD; Amendment 39–10541; AD 98–11–16] (RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9404. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders [Docket No. 98–CE-AD] (RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9405. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders [Docket No. 98–CE–14–AD; Amendment 39–10543; AD 98–11–18] (RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9406. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 96–NM–172–AD; Amendment 39–10544; AD98–11–19](RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9407. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–301,-311, -314 and -315 Series Airplanes [Docket No. 97–NM–330–AD; Amendment 39–10539; AD 98–11–12] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9408. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 96–NM–211–AD; Amendment 39–10532; AD 98–11–05] (RIN: 2120–AA64) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9409. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; The Great Chesapeake Bay Swim Event, Chesapeake Bay, Maryland [CGD 05–98–035] (RIN: 2115–AE46) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9410. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–300 and -320, and Model ATR72 Series Airplanes [Docket No. 98–NM–24–AD; Amendment 39–10533; 98–11–06] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9411. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Coney Island Air Show Days, Coney Island Channel, Brooklyn, New York [CGD01–98–009] (RIN: 2121–AA97) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9412. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Fireworks displays within the First Coast Guard District [CGD01–98–057] (RIN: 2115–AE46) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9413. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9- and DC–980 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes [Docket No. 97–NM–251–AD; Amendment 39–10537; AD 98–11–10] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9414. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes, and Hawker 800 (U–125A Military Derivative) Airplanes [Docket No. 98–NM–165–AD: Amendment 39–10540; AD 98–11–13] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9415. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–40–AD; Amendment 39–10534; AD 98–11–07] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9416. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–13–AD; Amendment 39–10535; AD 98–11–08] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9417. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 98–NM–34–AD; Amendment 39–10536; AD 98–11–09] (RIN: 2120–AA64) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9418. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Knoxville, IA [Airspace Docket No. 98–ACE–12] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9419. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Braked Roll Conditions [Docket No. 28643; Amdt. No. 25–97] (RIN: 2120–AF83) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9420. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Oceanside, CA [COTP San Diego 98–011] (RIN: 2115–AA97) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9421. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Clear Creek, TX [CGD08–98–015] (RIN: 2115–AE47) received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9422. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29221; Amdt. No. 409] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9423. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Rail Service Continuation Subsidy Standards [STB Ex Parte No. 566] received May 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9424. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement on Technical Performance Incentive Guidance received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9425. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement on Contractor Performance Information received May 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9426. A letter from the the Adjutant General, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 98th National Convention of the Veterans of Foreign Wars of the United States, held in Salt Lake City, Utah, August 17–21, 1997, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 105—261); to the Committee on Veterans' Affairs and ordered to be printed.

9427. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting a report covering the disposition of cases granted relief from administrative error, overpayment and forfeiture by the Administrator in 1997, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

9428. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans' Training: Time Limit for Submitting Certifications under the Service Members Occupational Conversion and Training Act (RIN: 2900–AI85) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9429. A letter from the Secretary of Labor, transmitting the 1996 Annual Report to Congress, describing employment and training programs for veterans during program year 1995 and fiscal year 1996; to the Committee on Veterans' Affairs.

9430. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 98–32) received June 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9431. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-In, first-out inventories [Revenue Ruling 98–29] received May 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9432. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Procedural Change Regarding American Shooks and Staves [T.D. 98–54] (RIN: 1515–AC18) received May 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9433. A letter from the Acting General Counsel, Department of Defense, transmitting drafts of proposed legislation to provide specific exemptions under the Freedom of Information Act; jointly to the Committees on National Security and Government Reform and Oversight.

9434. A letter from the Secretary of Energy, transmitting notification that the Department of Energy will open the Waste Isolation Pilot Plant for disposal operations; jointly to the Committees on Commerce and National Security.

9435. A letter from the Attorney General of the United States, transmitting the 1997 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

9436. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to authorize a new tobacco use cessation program, permanently authorize VA to collect payments from third-party private health insurance carriers for care VA provides to certain veterans, collect copayments from certain veterans receiving VA care, verify the income of certain veterans, and authorize medical care related construction projects and leases; jointly to the Committees on Veterans' Affairs and Ways and Means.

9437. A letter from the Secretary of Health and Human Services, transmitting the Service's final rule—Medicare Program; Waiver Requirements and Solvency Standards for Provider-Sponsored Organizations [HCFA–1011–IFC] (RIN: 0938–AI83) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9438. A letter from the Secretary of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities [HCFA–1913–IFC] (RIN: 0938–AI47) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9439. A letter from the Commissioner, Social Security, transmitting a draft of proposed legislation to make improvements in the administration of the Supplemental Security Income program, and for other purposes; jointly to the Committees on Ways and Means and Government Reform and Oversight.

9440. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 1998 ''Treasury Bulletin,'' pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Commerce, Transportation and Infrastructure, Education and the Workforce, Resources, and Agriculture.

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:

[Pursuant to the order of the House on May 22, 1998, the following report was filed on May 27, 1998]

Mr. KASICH: Committee on the Budget. House Concurrent Resolution 284. Resolution revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States Government for fiscal year 1999 and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 (Rept. 105–555). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 3, 1998]

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 1704. A bill to establish a Congressional Office of Regulatory Analysis; with an amendment (Rept. 105–441, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. H.R. 2604. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes (Rept. 105–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3494. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; with an amendment (Rept. 105–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2888. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees; with an amendment (Rept. 105–558). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1635. A bill to establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes; with an amendment (Rept. 105–559). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3520. A bill to adjust the boundaries of the Lake Chelan National Recreation Area and the adjacent Wenatchee National Forest in the State of Washington (Rept. 105–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3796. A bill to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management (Rept. 105–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 3007. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development: with an amendment (Rept. 105–562 Pt. 1). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 453. Resolution providing for consideration of the joint resolution (H.J. Res. 78) proposing an amendment to the Constitution of the United States restoring religious freedom (Rept. 105–563). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 454. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 285) expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of the People's Republic of China (Rept. 105–564). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 455. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 284) revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States Government for fiscal year 1999, and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 (Rept. 105–565). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committees on Commerce and Transportation and Infrastructure discharged from further consideration. H.R. 860 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following actions occurred on June 2, 1998]

H.R. 860. Referral to the Committees on Commerce and Transportation and Infrastructure extended for a period ending not later than June 3, 1998.

H.R. 1778. Referral to the Committees on Government Reform and Oversight, Commerce and Transportation and Infrastructure extended for a period ending not later than June 3, 1998.

[Submitted June 3, 1998]

H.R. 1778. Referral to the Committees on Commerce, Government Reform and Oversight, and Transportation and Infrastructure extended for a period ending not later than June 4, 1998.

H.R. 3035. Referral to the Committee on Agriculture extended for a period ending not later than June 5, 1998.

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. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL):

H.R. 3978. A bill to restore provisions agreed to by the conferees to H.R. 2400, entitled the ''Transportation Equity Act for the 21st Century'', but not included in the conference report to H.R. 2400, and for other purposes; considered and passed.

By Mr. POMEROY:

H.R. 3979. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals a credit against income tax for contributions to individual retirement accounts; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. GUTIERREZ, Mr. STUMP, Mr. EVANS, and Mr. KENNEDY of Massachusetts):

H.R. 3980. A bill to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BATEMAN (for himself and Mr. BLUNT):

H.R. 3981. A bill to modify the boundaries of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Resources.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. HEFNER, Mr. COBLE, Mr. WATT of North Carolina, Mr. BALLENGER, Mrs. CLAYTON, Mr. MCINTYRE, Mr. TAYLOR of North Carolina, Mr. BURR of North Carolina, Mrs. MYRICK, and Mr. JONES):

H.R. 3982. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the ''Terry Sanford Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. GIBBONS:

H.R. 3983. A bill to provide for certain procedures applicable to the issuance of passports for children under 16; to the Committee on International Relations.

By Mr. HASTINGS of Washington:

H.R. 3984. A bill to require the Secretary of Energy to establish an Office of River Protection at the Hanford Reservation, Richland, Washington, for the management of Hanford Tank Farm operations; to the Committee on Commerce, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Ms. NORTON, Mr. BENTSEN, Mr. GUTKNECHT, Mr. PETERSON of Minnesota, Ms. GRANGER, Mr. NEAL of Massachusetts, Ms. LOFGREN, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Ms. RIVERS, Mr. BOSWELL, Mr. FROST, Mr. REYES, Mr. LEWIS of Georgia, Mr. MALONEY of Connecticut, Mrs. THURMAN, Mr.

DEFAZIO, Mr. MCGOVERN, Mr. SHERMAN, Mr. PALLONE, Mr. EVANS, Mr. WYNN, Ms. DUNN of Washington, Mr. HINOJOSA, Mr. OXLEY, Mr. CALVERT, Ms. STABENOW, Ms. JACKSON-LEE, Mr. SANDERS, Ms. FURSE, and Mr. ROTHman):

H.R. 3985. A bill to authorize appropriations for the International Child Pornography Investigation and Coordination Center of the Customs Service; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. MEEKS of New York):

H.R. 3986. A bill to improve education, raise standards, and attract the best teachers to the public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. LINDA SMITH of Washington:

H.R. 3987. A bill to protect and conserve deer and elk and to provide for consistent and equitable hunting laws in the State of Washington; to the Committee on Resources.

By Mr. STARK:

H.R. 3988. A bill to amend part C of title XVIII of the Social Security Act to assure appropriate access to mental health services under MedicareChoice plans; to the Committee on Ways and Means, 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. SOLOMON:

H.R. 3989. A bill to provide for the enactment of user fees proposed by the President in his budget submission under section 1105(a) of title 31, United States Code, for fiscal year 1999; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Agriculture, Resources, the Judiciary, Transportation and Infrastructure, Banking and Financial Services, and International Relations, 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. ARMEY:

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of the People's Republic of China; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BROWN of California, Mr. CONYERS, Ms. DELAURO, Mr. FARR of California, Ms. FURSE, Ms. JACKSON-LEE, Mrs. MALONEY of New York, Mr. MANTON, Mr. OLVER, Ms. MILLENDER-MCDONALD, Mrs. MORELLA, and Mr. SHAYS):

H. Con. Res. 286. Concurrent resolution expressing the sense of the Congress regarding the link between violence against animals and violence against humans and urging greater emphasis upon identifying and treating individuals who are guilty of violence against animals, which is a crime in its own right in all 50 states, in order to prevent violence against humans and urging research to increase understanding of the connection between cruelty to animals and violence against humans; to the Committee on Commerce, and in addition to the Committees on Agriculture, and the Judiciary, 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. DAVIS of Illinois:

H. Res. 451. A resolution congratulating the Chicago Board of Trade and the city of Chicago, Illinois, on the occasion of the 150th anniversary of the establishment of the Chicago Board of Trade; to the Committee on Government Reform and Oversight.

By Mr. LATHAM:

H. Res. 452. A resolution expressing the sense of the House of Representatives that the Board of Governors of the United States Postal Service should reject the recommended decision issued by the Postal Rate Commission on May 11, 1998, to the extent that it provides for any increase in postage rates; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

328. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to House Concurrent Resolution 1067 memorializing the President of the United States and the Congress of the United States to study and pass the legislation necessary regarding the issue of incorporating poultry growers within the protection provided to livestock producers by the federal Packers and Stockyards Act of 1921, as amended; to the Committee on Agriculture.

329. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1006 urging the President and the Congress of the United States to refuse to authorize, endorse, ratify or adopt any international treaty or federal designation that would usurp the authority of the states to establish their own environmental standards; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. STRICKLAND.

H.R. 59: Mr. CHABOT.

H.R. 94: Mr. TAYLOR of North Carolina, Mr. TOWNS, and Mr. SOUDER.

H.R. 107: Mr. PALLONE.

H.R. 219: Mr. WELDON of Florida, Mr. DICKEY, and Mr. BERMAN.

H.R. 303: Mr. DREIER.

H.R. 519: Mr. JACKSON.

H.R. 538: Mr. ENGEL.

H.R. 633: Mr. EHRLICH.

H.R. 687: Mr. YATES, Mr. HILLIARD, and Mr. JACKSON.

H.R. 766: Mr. RUSH.

H.R. 880: Mr. RADANOVICH.

H.R. 979: Mr. LUCAS of Oklahoma, Mr. DEUTSCH, Mr. POSHARD, Mr. ANDREWS, Mr. EHRLICH, Ms. CHRISTIAN-GREEN, and Mr. CANADY of Florida.

H.R. 1126: Mr. DICKEY, Mr. CLAY, Mrs. MALONEY of New York, Mr. BERMAN, Mr. WELDON of Florida, Mr. SKELTON, Mr. BOEHLERT, Mr. MCCOLLUM, and Mr. HOYER.

H.R. 1173: Mr. TOWNS.

H.R. 1200: Mr. CLAY.

H.R. 1261: Mr. RADANOVICH.

H.R. 1283: Mr. REDMOND, Mr. PASTOR, Ms. STABENOW, Mr. CLEMENT, and Ms. FURSE.

H.R. 1320: Mr. MANTON.

H.R. 1362: Mr. FORD.

H.R. 1450: Mr. MCDERMOTT.

H.R. 1505: Mr. HILLIARD.

H.R. 1531: Mr. PASCRELL and Mr. BENTSEN.

H.R. 1842: Mr. PICKERING.

H.R. 1995: Mr. MASCARA and Mr. VISCLOSKY.

H.R. 2023: Mr. OLVER, Mrs. THURMAN, Mr. MILLER of California, Ms. CHRISTIAN-GREEN, Mr. TOWNS, and Mr. EVANS.

H.R. 2070: Mr. LUCAS of Oklahoma.

H.R. 2166: Mr. PAUL.

H.R. 2167: Ms. MILLENDER-MCDONALD.

H.R. 2351: Mr. MOAKLEY.

H.R. 2380: Mr. QUINN.

H.R. 2397: Mr. BALDACCI.

H.R. 2409: Mr. HOLDEN, Mr. NUSSLE, and Mr. LEWIS of Kentucky.

H.R. 2434: Mrs. THURMAN.

H.R. 2450: Mr. LAMPSON, Mr. MATSUI, and Mr. ENGEL.

H.R. 2451: Ms. DELAURO.

H.R. 2477: Mr. LEACH.

H.R. 2478: Mr. LEACH.

H.R. 2504: Mrs. KELLY, Mr. ROMERO-BARCELO, Mr. BISHOP, Ms. LOFGREN, and Ms. KAPTUR.

H.R. 2509: Mr. GOSS.

H.R. 2549: Mr. PASCRELL, Mr. PALLONE, Mr. GILMAN, and Mr. DEFAZIO.

H.R. 2568: Mr. ABERCROMBIE and Mr. TANNER.

H.R. 2604: Mr. TOWNS and Mr. BLUNT.

H.R. 2609: Mr. UPTON.

H.R. 2611: Mr. NETHERCUTT.

H.R. 2678: Mrs. THURMAN.

H.R. 2681: Mr. DIXON and Mr. WYNN.

H.R. 2701: Mr. ENGLISH of Pennsylvania.

H.R. 2721: Mr. WAMP and Mr. PETERSON of Pennsylvania.

H.R. 2821: Mr. TURNER, Mr. BURTON of Indiana, and Mr. HOUGHTON.

H.R. 2888: Mr. BARRETT of Nebraska, Mr. SAXTON, Mr. DEAL of Georgia, and Mr. CRAMER.

H.R. 2896: Mr. DAVIS of Illinois, Mr. THOMPSON, and Ms. NORTON.

H.R. 2902: Ms. MCCARTHY of Missouri.

H.R. 2914: Mr. FAZIO of California and Ms. STABENOW.

H.R. 2921: Mr. POMEROY and Ms. SLAUGHTER.

H.R. 2922: Mrs. MYRICK and Mrs. EMERSON.

H.R. 2936: Mr. SNOWBARGER and Mr. DICKEY.

H.R. 2955: Mr. DICKS and Mr. GILMAN.

H.R. 2970: Mr. FORBES.

H.R. 2990: Mr. ORTIZ, Ms. PRYCE of Ohio, Mr. ANDREWS, Mr. MALONEY of Connecticut, Mr. MCHUGH, Mr. MENENDEZ, Mr. MEEKS of New York, Mr. BEREUTER, and Mr. LUCAS of Oklahoma.

H.R. 3008: Ms. LOFGREN and Mr. GILMAN.

H.R. 3014: Ms. LEE, Mrs. TAUSCHER, Mr. CONDIT, Mr. BERMAN, Mr. TORRES, Ms. WATERS, Mr. BROWN of California, Ms. SANCHEZ, Mr. FILNER, Mr. LANTOS, Mr. SHERMAN, and Ms. MILLENDER-MCDONALD.

H.R. 3027: Mr. MARTINEZ.

H.R. 3028: Mr. MARTINEZ.

H.R. 3048: Mr. DAN SCHAEFER of Colorado.

H.R. 3050: Mr. HALL of Texas, Ms. DEGETTE, Ms. NORTON, and Mr. TOWNS.

H.R. 3107: Mr. BURTON of Indiana, Mr. PICKERING, and Ms. STABENOW.

H.R. 3126: Ms. MILLENDER-MCDONALD.

H.R. 3156: Mr. REYES and Mr. DAN SCHAEFER of Colorado.

H.R. 3161: Ms. PELOSI.

H.R. 3181: Mrs. JOHNSON of Connecticut.

H.R. 3185: Mr. CALLAHAN, Mr. BRYANT, and Mr. SHIMKUS.

H.R. 3217: Ms. PRYCE of Ohio and Mr. LUCAS of Oklahoma.

H.R. 3234: Mr. PETERSON of Pennsylvania.

H.R. 3279: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3400: Mr. MARTINEZ.

H.R. 3470: Mr. MANTON.

H.R. 3514: Mr. BROWN of Ohio and Mr. YATES.

H.R. 3551: Mr. HINCHEY, Ms. KILPATRICK, Mr. ENGEL, Ms. SANCHEZ, Mr. WYNN, and Mr. VENTO.

H.R. 3567: Mr. RYUN, Mr. JENKINS, and Ms. DELAURO.

H.R. 3571: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3572: Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. DEAL of Georgia, and Mr. CRAMER.

H.R. 3605: Mr. PRICE of North Carolina.

H.R. 3607: Mr. TALENT.

H.R. 3615: Mr. MARKEY and Mr. KENNEDY of Massachusetts.

H.R. 3634: Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. GREENWOOD, Mr. SNYDER, Ms. PRYCE of Ohio, Mr. REDMOND, Mr. CLYBURN, Mr. BUNNING of Kentucky, Mrs. JOHNSON of Connecticut, Mr. MORAN of Kansas, Mr. PICKERING, Mr. HOLDEN, Mr. MCCOLLUM, Mr. SANDLIN, and Mr. PETERSON of Minnesota.

H.R. 3636: Mr. EVANS, Mr. EHLERS, and Mr. OXLEY.

H.R. 3650: Mr. ADERHOLT, Mr. MANZULLO, Mr. INGLIS of South Carolina, Mr. ENSIGN, Mr. TALENT, and Mr. KOLBE.

H.R. 3654: Mr. THUNE, Mr. BOSWELL, Mrs. CLAYTON, and Mr. LUCAS of Oklahoma.

H.R. 3674: Mr. BROWN of Ohio.

H.R. 3681: Mr. ENGLISH of Pennsylvania.

H.R. 3682: Mr. WAMP, Mr. NEUMANN, Mr. PICKERING, Mr. HUTCHINSON, Mr. SHIMKUS, Mr. WICKER, and Mr. JENKINS.

H.R. 3701: Mr. ABERCROMBIE.

H.R. 3707: Mr. TALENT, Mr. LARGENT, Mr. ENSIGN, Mr. WELDON of Florida, Mrs. MYRICK, and Mr. MCCOLLUM.

H.R. 3743: Ms. SLAUGHTER and Mr. FILNER.

H.R. 3749: Mr. BAKER.

H.R. 3767: Mr. SNOWBARGER.

H.R. 3792: Mr. BUNNING of Kentucky and Mr. RYUN.

H.R. 3794: Mr. SKAGGS.

H.R. 3798: Ms. KAPTUR.

H.R. 3812: Mr. BRADY of Texas and Mr. RYUN.

H.R. 3815: Ms. DUNN of Washington, Mr. MCNULTY, Mr. KLECZKA, and Mr. KENNEDY of Massachusetts.

H.R. 3821: Mr. STRICKLAND, Mr. WELDON of Pennsylvania, Mr. FOSSELLA, Mr. BRADY of Texas, Mr. ENGLISH of Pennsylvania, Mr. BILIRAKIS, Mr. WELDON of Florida, Mr. LATHAM, Mr. WATTS of Oklahoma, Mr. KING of New York, Mr. WHITFIELD, Mr. STUMP, Mr. EHRLICH, Mr. SHIMKUS, and Mr. HOUGHTON.

H.R. 3835: Ms. HOOLEY of Oregon, Mr. MALONEY of Connecticut, Mr. ANDREWS, and Mr. PETERSON of Minnesota.

H.R. 3837: Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. FROST, Ms. JACKSON-LEE, Ms. DELAURO, and Mr. ACKERMAN.

H.R. 3844: Ms. DANNER.

H.R. 3855: Mr. FROST, Mr. MALONEY of Connecticut, Mrs. KENNELLY of Connecticut, Ms. DEGETTE, Mr. BLAGOJEVICH, and Mr. PORTMAN.

H.R. 3888: Mr. BAKER, Mr. BALDACCI, Mr. GORDON, Mr. JOHN, Mr. PICKERING, Mr. BARTON of Texas, Mr. SCHUMER, Mr. EHLERS, Mr. BUNNING of Kentucky, and Mr. SUNUNU.

H.R. 3893: Mr. HAYWORTH and Mr. ENGLISH of Pennsylvania.

H.R. 3897: Ms. NORTON.

H.R. 3932: Mr. EVANS and Mr. UNDERWOOD.

H.R. 3965: Mr. NEAL of Massachusetts.

H.J. Res. 70: Mr. BARR of Georgia and Mr. BARTON of Texas.

H.J. Res. 89: Mr. LEWIS of Georgia.

H. Con. Res. 203: Mr. MARTINEZ, Mr. RODRIGUEZ, Mr. POSHARD, Mr. NEAL of Massachusetts, Mr. RYUN, Mr. UNDERWOOD, Mr. SUNUNU, and Mr. DAVIS of Illinois.

H. Con. Res. 208: Mr. ABERCROMBIE, Mr. LOBIONDO, Mr. BOUCHER, Mr. ALLEN, Mr. PAPPAS, Mr. HOUGHTON, Mrs. EMERSON, Mr. MASCARA, Mr. JONES, Mr. REDMOND, Mr. TAYLOR of North Carolina, Mr. MCGOVERN, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. FRELINGHUYSEN, Mr. SESSIONS, Mr. BACHUS, Ms. VELAZQUEZ, Mr. MCCOLLUM, Mr. EHRLICH, Mr. WYNN, Mr. ROMERO-BARCELO, Mr. BUNNING of Kentucky, Mr. HORN, Mr. SCHUMER, Mrs. MYRICK, Mr. NUSSLE, Mr. BOEHNER, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. PICKERING, Mr. DIXON, and Mr. LUCAS of Oklahoma.

H. Con. Res. 239: Mr. GUTIERREZ.

H. Con. Res. 249: Mr. MANTON, Mr. RAHALL, Mr. UNDERWOOD, Ms. LEE, Ms. KILPATRICK, Mr. SAWYER, Mr. LEVIN, and Mr. ACKERMAN.

H. Con. Res. 251: Mr. BOYD.

H. Con. Res. 264: Mr. OLVER, Mrs. MORELLA, Ms. DELAURO, Mr. STUMP, and Mr. BACHUS.

H. Con. Res. 281: Mr. WOLF and Mr. FRANK of Massachusetts.

H. Res. 212: Mr. BARCIA of Michigan, Mr. BOYD, Mr. CALVERT, Mr. CANADY of Florida, Mr. DUNCAN, Ms. DUNN of Washington, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KILDEE, Mr. MENENDEZ, Mr. METCALF, and Mrs. TAUSCHER.

H. Res. 218: Mr. FROST and Mr. BLAGOJEVICH.

H. Res. 363: Mr. FORD.

H. Res. 404: Mr. MATSUI, Mr. FILNER, and Mr. LANTOS.

H. Res. 424: Mr. POMEROY.

H. Res. 444: Mr. BROWN of Ohio, Mr. HILLIARD, and Mr. FILNER.

H. Res. 447: Mr. PICKERING and Mr. BEREUTER.

DELECTIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 716: Mr. JONES.

H.R. 1891: Mr. MCDERMOTT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY MRS. CAPPS

(To the Amendment Offered By Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 36: Strike titles III and IV and insert the following:

TITLE III—INDEPENDENT AND COORDINATED EXPENDITURES; EXPANDING DISCLOSURE OF INFORMATION

Subtitle A—Independent and Coordinated Expenditures

SEC. 301. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end; and

(3) by adding at the end the following:

''(iii) a payment for a communication that is express advocacy; and

''(iv) a payment made by a person for a communication that—

''(I) refers to a clearly identified candidate;

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

''(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

SEC. 302. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

SEC. 303. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

SEC. 305. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

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

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

(iii) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(B) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

''(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

Subtitle B—Expanding Disclosure of Campaign Finance Information

SEC. 311. REQUIRING MONTHLY FILING OF REPORTS.

(a) PRINCIPAL CAMPAIGN COMMITTEES.—Section 304(a)(2)(A)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)(iii)) is amended to read as follows:

''(iii) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (i), a post-general election report shall be filed in accordance with clause (ii), and a year end report shall be filed no later than January 31 of the following calendar year.''.

(b) OTHER POLITICAL COMMITTEES.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended to read as follows:

''(4)(A) In a calendar year in which a regularly scheduled general election is held, all political committees other than authorized committees of a candidate shall file—

''(i) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (ii), a post-general election report shall be filed in accordance with clause (iii), and a year end report shall be filed no later than January 31 of the following calendar year;

''(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election; and

''(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

''(B) In any other calendar year, all political committees other than authorized committees of a candidate shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.''.

(c) CONFORMING AMENDMENTS.—(1) Section 304(a) of such Act (2 U.S.C. 434(a)) is amended by striking paragraph (8).

(2) Section 309(b) of such Act (2 U.S.C. 437g(b)) is amended by striking ''for the calendar quarter'' and inserting ''for the month''.

SEC. 312. MANDATORY ELECTRONIC FILING FOR CERTAIN REPORTS.

(a) IN GENERAL.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: '', except that the Commission shall

require the reports to be filed and preserved by such means, format, or method, unless the aggregate amount of contributions or expenditures (as the case may be) reported by the committee in all reports filed with respect to the election involved (taking into account the period covered by the report) is less than $50,000.''.

(b) PROVIDING STANDARDIZED SOFTWARE PACKAGE.—Section 304(a)(11) of such Act (2 U.S.C. 434(a)(11)) is amended—

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

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

''(C) The Commission shall make available without charge a standardized package of software to enable persons filing reports by electronic means to meet the requirements of this paragraph.''.

SEC. 313. WAIVER OF ''BEST EFFORTS'' EXCEPTION FOR INFORMATION ON OCCUPATION OF INDIVIDUAL CONTRIBUTORS.

Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking ''(i) When the treasurer'' and inserting ''(i)(1) Except as provided in paragraph (2), when the treasurer''; and

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

''(2) Paragraph (1) shall not apply with respect to information regarding the occupation or the name of the employer of any individual who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).''.

TITLE IV—SEVERABILITY; EFFECTIVE DATE; REGULATIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 403. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MRS. CAPPS

(To the Amendment Offered By: Mr. Campbell)

AMENDMENT NO. 37: Strike title IV and insert the following:

TITLE IV—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 401. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end; and

(3) by adding at the end the following:

''(iii) a payment for a communication that is express advocacy; and

''(iv) a payment made by a person for a communication that—

''(I) refers to a clearly identified candidate;

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

''(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

SEC. 402. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

SEC. 403. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

SEC. 404. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

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

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

(iii) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(B) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

''(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(A)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

TITLE V—SEVERABILITY; EFFECTIVE DATE; REGULATIONS

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 503. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MRS. CAPPS

(To the Amendment Offered By Mr. Doolittle)

AMENDMENT NO. 38: Add at the end the following new sections:

SEC. 7. INDEPENDENT AND COORDINATED EXPENDITURES.

(a) DEFINITIONS.—

(1) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(2) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.''.

(3) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end; and

(C) by adding at the end the following:

''(iii) a payment for a communication that is express advocacy; and

''(iv) a payment made by a person for a communication that—

''(I) refers to a clearly identified candidate;

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

''(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

(b) CIVIL PENALTY.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the

violation shall not be subject to this subsection.''.

(c) REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 4(b) and 5(c), is further amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (g); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(f) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

(d) COORDINATION WITH CANDIDATES.—

(1) DEFINITION OF COORDINATION WITH CANDIDATES.—

(A) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(i) in subparagraph (A)—

(I) by striking ''or'' at the end of clause (i);

(II) by striking the period at the end of clause (ii) and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(ii) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

''(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(B) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(2) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

SEC. 8. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 10. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MRS. CAPPS

(To the Amendment Offered By: Mr. Snowbarger)

AMENDMENT NO. 39: Add at the end the following new sections:

SEC. 9. INDEPENDENT AND COORDINATED EXPENDITURES.

(a) DEFINITIONS.—

(1) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(2) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or

more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.''.

(3) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end; and

(C) by adding at the end the following:

''(iii) a payment for a communication that is express advocacy; and

''(iv) a payment made by a person for a communication that—

''(I) refers to a clearly identified candidate;

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

''(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

(b) CIVIL PENALTY.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

(c) REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 3(c), is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(e) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

(d) COORDINATION WITH CANDIDATES.—

(1) DEFINITION OF COORDINATION WITH CANDIDATES.—

(A) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(i) in subparagraph (A)—

(I) by striking ''or'' at the end of clause (i);

(II) by striking the period at the end of clause (ii) and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(ii) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

''(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(B) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(2) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

SEC. 10. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 12. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 40: Insert after the heading for title II the following new section (and redesignate the succeeding provisions accordingly):

SEC. 201. INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000;'' and inserting the following: ''$1,000 (or, in the case of contributions made by an individual, exceed $2,000);''.

In the heading for title II, strike ''**INDEXING**'' and insert ''**MODIFYING**''.

H.R. 2183

OFFERED BY: MR. DAVIS OF VIRGINIA

(To the Amendment Offered by Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 141. Insert after the heading for title II the following new section (and redesignate the succeeding provisions accordingly):

SEC. 201. INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000;'' and inserting the following: ''$1,000 (or, in the case of contributions made by an individual, exceed $2,000);''.

In the heading for title II, strike ''**INDEXING**'' and insert ''**MODIFYING**''.

H.R. 2183

OFFERED BY: MR. FROST

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 42: Strike section 601 and insert the following (and conform the table of contents accordingly):

SEC. 601. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act and any amendments made by this Act shall be treated as invalid.

In the heading for title VI, strike ''**SEVERABILITY**'' and insert ''**NONSEVERABILITY**'' (and conform the table of contents accordingly).

H.R. 2183

OFFERED BY MR. RIGGS

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 43: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local registered voters totaling in excess of the total of contributions accepted from local registered voters.

''(2) As used in this subsection, the term 'local registered voter' means an individual who is registered to vote in the congressional district involved (or with respect to a candidate for the office of Senator, in the State involved)''.

H.R. 2183

OFFERED BY: MR. RIGGS

AMENDMENT NO. 44: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local registered voters totaling in excess of the total of contributions accepted from local registered voters.

''(2) As used in this subsection, the term 'local registered voter' means an individual who is registered to vote in the congressional district involved (or with respect to a candidate for the office of Senator, in the State involved)''.

H.R. 2183

OFFERED BY: MR. RIGGS

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 45: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local registered voters totaling in excess of the total of contributions accepted from local registered voters.

''(2) As used in this subsection, the term 'local registered voter' means an individual who is registered to vote in the congressional district involved (or with respect to a candidate for the office of Senator, in the State involved)''.

H.R. 2183

OFFERED BY: MR. SHAW

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 46: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. REQUIRING MAJORITY OF AMOUNT OF CONTRIBUTIONS ACCEPTED BY HOUSE CANDIDATES TO COME FROM IN-STATE RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) With respect to each reporting period for an election, the total of contributions accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress from in-State individual residents shall be at least 50 percent of the total of contributions accepted from all sources.

''(2) As used in this subsection, the term 'in-State individual resident' means an individual who resides in the State in which the congressional district involved is located.''.

H.R. 2183

OFFERED BY: MR. UPTON

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 47: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local residents totaling in excess of the total of contributions accepted from local residents.

''(2) In applying paragraph (1), there shall not be taken into account any contributions accepted by a candidate from any political committee of a political party.

''(3) As used in this subsection, the term 'local resident' means—

''(A) an individual who resides in the State involved; or

''(B) a multicandidate political committee for which the address on its registration under section 303 is located in the State involved.''.

H.R. 2183

OFFERED BY: MR. UPTON

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 48: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than individuals totaling in excess of the total of contributions accepted from individuals.''.

H.R. 2183

OFFERED BY: MR. UPTON

AMENDMENT NO. 49: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM NON-RESIDENTS

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local residents totaling in excess of the total of contributions accepted from local residents.

''(2) In applying paragraph (1), there shall not be taken into account any contributions accepted by a candidate from any political committee of a political party.

''(3) As used in this subsection, the term 'local resident' means—

''(A) an individual who resides in the State involved; or

''(B) a multicandidate political committee for which the address on its registration under section 303 is located in the State involved.''.

H.R. 2183

OFFERED BY: MR. UPTON

AMENDMENT NO. 50: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than individuals totaling in excess of the total of contributions accepted from individuals.''.

H.R. 2183

OFFERED BY MR. UPTON

(To the Amendment Offered By Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 54: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM NON-RESIDENTS

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local residents totaling in excess of the total of contributions accepted from local residents.

''(2) In applying paragraph (1), there shall not be taken into account any contributions accepted by a candidate from any political committee of a political party.

''(3) As used in this subsection, the term 'local resident' means—

''(A) an individual who resides in the State involved; or

''(B) a multicandidate political committee for which the address on its registration under section 303 is located in the State involved.''.

H.R. 2183

OFFERED BY: MR. UPTON

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 52: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than individuals totaling in excess of the total of contributions accepted from individuals.''.