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House of Representatives

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

(Continued)

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

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

Ms. DEGETTE. Mr. Speaker, historians note that those who are in the middle of history often do not themselves recognize it. Today should not be about polls. Today should not be about the upcoming November election, and even today should not be about the serious matter of sexual misconduct. But with all due respect to my friends, that is exactly what today is all about.

This is only the third time in the history of this country that we are talking about opening impeachment proceedings against our President, and I am shocked at how many people, including some in this chamber, take this serious matter so lightly, even gleefully. We are witnessing a stampede to justice, my friends, and like so many stampedes, when the trail dust settles, we will leave chaos and we will leave ruin.

This is a time for statesmanship. Each one of us must independently assess the best direction for this House and this country, and I will say it is not an open ended, never ending, witchhunt without any limits. We need to carefully consider the Starr report. We need to set a guideline and then we need to move forward with the serious, serious business of this country.

Mr. Speaker, the House is about to decide whether to exercise one of the most grave constitutional steps within our power: hearings concerning the impeachment of the President. This is the most serious decision we can make, next to a declaration of war. It is legislative, moral, and civic duty to caution the House to carefully weigh this dangerous, perhaps necessary step.

Like so many of you, my political conscience was formed during the Watergate scandal and I applauded the Supreme Court's ruling in U.S. versus Nixon that the President ''is not above the law.'' The President, whoever he or she may be, is not above the law.

But my political conscience was also informed by reading ''Profiles in Courage,'' where John Kennedy, who well-knew the passions that govern partisan political discourse, discussed the failed attempt to impeach President Andrew Johnson. Johnson was saved from impeachment by the courageous actions of several senators who withstood the deep and intense partisan public hatred of a president attempting to unite a divided country. Most historians would agree that the impeachment of Johnson would have been a constitutional, economic, and political catastrophe. In fact, the partisan bickering, motivated by the hope of political advantage, was a dark, shameful moment in American history which affected the national agenda for decades afterwards; a moment we may soon repeat if we do not learn from our history.

This is the time to ask what actions will best serve our country. Hasty decisions in a mob-mentality will not serve the interests of our constituents. Frankly, I have heard little about the long-term consequences of an impeachment hearing, especially if we ultimately decide not to impeach the President. The Watergate scandal undermined the institutional authority of our political system for a generation. Therefore, we must carefully weight what we do now, because it will have consequences for at least a generation to come. Yes, we have a President who has lied to you and me and the American public. I'm, not happy about that; I am angry and outraged. He deserves our scorn and our condemnation. But we cannot impeach him because of our anger. That would turn our constitutional democracy into a parliamentary system. I am sure my colleagues do not want to subvert the constitution in that way.

What we must determine is this: does his conduct constitute a ''high crime'' or a ''misdemeanor''? There is a reasonable doubt about that, and reasonable people can differ on the answer.

Because ours is a legislative, not judicial, judgment, exercised as part of our legislative function, we must also determine if impeachment is in the best interests of the country.

Historians note that those who are in the middle of history often do not realize it. Today, we are not talking about polls—or even elections—or even the sexual misconduct of our President. After all, this will be only the third time in history we consider impeachment of a sitting President. But that's what this debate is really about. I am shocked at how many people, including some in this Chamber, take this serious matter so lightly, even gleefully. We are witnessing a stampede to judgment. And like many stampedes, when the trail-dust settles we may leave chaos and ruin. This is a time for statesmanship. Each of us must independently assess the best direction for the House and for the country. That is why we should vote for a thoughtful process that will establish whether evidence exists to even open an inquiry before we begin a wide-ranging witch hunt with heavy heart and a keen recognition of history, and with reluctant support for this forum.

The American people, the world community, and future historians will judge us as we judge the President. I this House, at this moment, we must rise above passion and partisanship. We must be wise and equal to the public trust.

I ask my colleagues for a full debate on the resolution to open impeachment proceedings. We need more than one hour for discussion. Because of the gravity of this vote, we owe it to the American people to have a fully informed, careful, responsible discussion.

I also ask for our best judgment. I believe that the process that allows us to have more prudent decision-making is the Democratic alternative. Before we can move forward in recommending articles of impeachment, the Judiciary Committee should determine the standards for defining impeachable offenses. That would be extremely helpful and fair in our evaluation of this issue. With this information,

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we would be in a better position to discuss impeachment.

And I ask for a narrow scope. Impeachment hearings should examine specific, clearly stated, concrete charges. We need to give the Special Prosecutor's report complete consideration, especially after spending $40 million to gather this information. I was not elected to Congress to waste the taxpayers' time and money in political chicanery. I was not elected to engage in a witch-hunt. The discussion must be on-point, specific to the matter-at-hand, relevant, and substantive.

This is the time for prudent judgment, for far-sighted decision-making, for fairness, and for justice. We cannot let our unharnessed passions nor our political greed sway us from acting in the country's best interests. We stand at a singular moment in history. Our actions will forever change the culture and political environment of our country. If we do not act with complete fairness, impartiality, and good judgment, we will certainly be harshly judged by our constituents, by the world community, and by history for our impatient folly. I ask my colleagues to demand a fair, just, and realistic process by which we examine these serious, dangerous, and historic charges against the President.

Mr. HYDE. Mr. Speaker, may I inquire how much time the gentleman from Michigan (Mr. CONYERS) and I have?

The SPEAKER. The gentleman from Illinois (Mr. HYDE) has 20½ minutes. The gentleman from Michigan (Mr. CONYERS) has 20 minutes.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

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

□ 1245

Mr. BLUNT. Mr. Speaker, I rise in support of the resolution and will submit my remarks for the RECORD.

I intend to vote for the Judiciary Committee's recommendation that would begin the inquiry for impeachment. The President of the United States needs the trust and confidence of the American people. When the President does not have credibility, the country is at risk.

Currently only one in five Americans say they have confidence in the President's credibility and truthfulness. The American people deserve a speedy resolution of this crisis-in-confidence. The President deserves the opportunity to restore his credibility by having the opportunity to explain his side of what seems to be perjury and obstruction of justice both in a civil case and before a federal grand jury.

It is my hope that this inquiry will meet the demands of the Constitution and be resolved with all deliberate speed.

Mr. Speaker, I urge my colleagues to do their duty under the Constitution and take this step toward a conclusion of this national challenge.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

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

Mr. GANSKE. Mr. Speaker, we have not always agreed on certain policies. I can think of a health care issue that we disagreed on. But I certainly do not think it is fair for the Speaker of the House to be accused of perjury in this debate today.

I think that I have some bipartisan credentials, so I want to say to Members on both sides of the aisle that the Republican resolution follows the same model that was followed in 1974. A time limit was recognized then, and it is recognized now, as a way to obstruct and delay. We must listen to our consciences. And if we do, I think we can all agree with Chairman Peter Rodino in 1974 and the gentleman from Illinois (Mr. HYDE) today, a time limit is not the way to go on this resolution.

Yes, I am tired of hearing about the President's indiscretions, and I have had a hard time explaining this to my 10-year-old son. And it will be a stressful time for us. But when I think about the stressful times that our country has gone through in the American Revolution, the Civil War, the two world wars, the Great Depression, I think it would be a shame for us to shirk our duty.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT), the only former sheriff in the House.

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

Mr. TRAFICANT. Mr. Speaker, the prosecutor has asked us to indict the President of the United States on 11 counts. All 11 counts involve an intern. In the video, in 4 hours of questioning, the prosecutor did not ask the President one time about FBI files, about the travel office, about Vincent Foster, or about Whitewater. In 4 hours, basically the prosecutor asked what did the President do with an intern, when did the President know that he did it, and did he lie about it.

I am not minimizing the gravity of this, my colleagues, but this does not rise to the level of Watergate. Now, let us be honest about that.

This prosecutor is required by law to submit all evidence to the House, which is a Grand Jury. I must assume that he has. But I would also say to the leaders of both parties, if he has not, he should be compelled today to deliver every piece of evidence he has on any pending investigation. That is our duty.

I am going to support an inquiry today, but I am not going to support an extended soap opera, my colleagues. And I will say this: What the Congress of the United States, the House, has before us today is an 11-count indictment. We should be able to act on the predicate of that substance by the end of our terms. Kenneth Starr submitted it to the 105th Congress, not to a future Congress.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. STEVE BUYER), a distinguished member of the committee.

Mr. BUYER. Mr. Speaker, I thank the chairman for yielding me this time. I have listened to part of the debate, and I have to agree with the gentlewoman from Colorado that I am disappointed in the conduct of some of my colleagues here today. How people can be here on this House floor cheering or applauding, as though they have somehow scored political points, is very disappointing to me. I think that part of that noise is about a clamor against the judicial process and their actions define themselves.

Actually, this kind of reminds me of a story about Abe Lincoln that I will share with my colleagues. Let me tell this little story.

Abe Lincoln, in one of his many famous debates, was debating a person known to be very shallow in substance because he did not really have the facts on his side. He always tried to make up for his lack of substance by making a lot of noise. Sure enough, the debate began with his opponent using plenty of noise, increasing the volume of his voice and the emotion in the delivery and the intensity of the tone. Abe began, in reply, with this story:

He said: There was a man and woman that were walking back to town. It was at night, through a dense forest. It was extremely dark, and a storm, with plenty of thunder and lightning, was all around them. The lightning was not enough for them to see, and the thunder caused confusion and made it difficult for them to see. And they got scared, because they were not sure they were going to be able to make it back to town. So they fell upon their knees and they prayed. And they said, God, may we have a little less noise and a little more light.

What we find here at the moment is a lot of noise, but I, for one, will enjoin in the prayer for a little more light. Our job here is to seek the light of the truth, because the truth matters.

And let us not confuse ourselves with what is happening here today. Both parties, Democrats and Republicans, are saying to America: We have a credible and substantive referral from an independent prosecutor, and we must take the next step toward the inquiry of impeachment. There may be a disagreement, there may be a debate about the scope or the limitation on times, but those are details. The facts will sort themselves out. If the facts find that the President should be exonerated, then we should do so because we follow the truth. If it shows otherwise, then we should proceed with the next step.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Ms. DEBBIE STABENOW).

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

Ms. STABENOW. Mr. Speaker, today we make a critically important decision affecting the lives of every single one of the people we represent: Men and women, young and old, working hard every day, who care about their families. They want us to deal with the

President's irresponsible behavior and lack of truthfulness in a fair and responsible manner, and they want us to do so as quickly as possible so that we can return to the important issues that affect their families.

They also want us to rise above partisan self-interest and do what is best for the country, not Democrats, not Republicans, but as Americans. I am deeply concerned that this Congress will not meet this test today.

We have two proposals in front of us. The issue is not whether or not to proceed, it is how to proceed. One proposal gives us the opportunity to come together in a bipartisan way, vote to begin an inquiry on the issues raised by the Starr report, and bring this inquiry to a conclusion this year. The Republican alternative is an open-ended, unchecked process that could continue throughout the next Congress, with no requirement to limit the issues formally presented by the special prosecutor.

In all good conscience, I cannot support this process. It is not in the best interest of our country. It is not in the best interest of the families I represent to put our country in suspended animation for months and months when we have the ability here to bring this to a conclusion this year. I believe the American people deserve no less.

We must address this crisis fairly and responsibly and get back to the people's business. I implore my Republican colleagues to join us, to join with America in a process we can truly be proud of.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a valued member of the Committee on the Judiciary.

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

Mr. GOODLATTE. Mr. Speaker, in a short while this House will vote on whether or not to begin an impeachment inquiry against the President of the United States. A very serious matter. We will have a vote that will, I think, result in a substantial majority of the Members voting to proceed unhindered by artificial time constraints that simply subject the body to political gamesmanship of delay rather than expedition of the process. We will vote to allow ourselves to look at other credible evidence of impeachable offenses from other credible sources, if those come before the body.

We should not engage in a fishing expedition, but we should exercise our constitutional responsibility in a full and open way, the same way we have always exercised that responsibility for every other impeachment inquiry in more than 200 years of American history. And we should do it in the way suggested by our former colleague, Representative Barbara Jordan, who said at another time, ''It is reason, not passion, which must guide our deliberations, guide our debate and guide our decision.''

The charges against the President include perjury, witness tampering and obstruction of justice. These are serious charges, charges that cannot be wiped away with a mere wink and a nod, an apology, or someone's interpretation of the latest opinion poll. The standard that we follow, and the standard we teach our children, is that no person is above the law, including the President of the United States.

Amid the intense glare of the moment, we must keep in mind that what the House is considering today is not impeachment or articles of impeachment, nor is it about matters for which the President has apologized. Rather, the House must decide, in light of the documented allegations of serious crimes committed by the President, all of which the President has repeatedly denied, whether we should take the next step in the constitutional process by fully and completely investigating whether the charges are well-founded.

I urge my colleagues to take that step because it is the right thing to do. We must follow the truth wherever it leads.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LLOYD DOGGETT), a former member of his State's Supreme Court.

Mr. DOGGETT. Mr. Speaker, the real question here today is not whether to begin an inquiry, but whether it will ever end. Whitewater, Travelgate, Filegate. It is really Rabbit Trail Gate that I am concerned about. We do not need Ken Starr squared in this chamber. The only way to force this Congress to get back to the real concerns of American families, like tax reform and Social Security reform, is to bring this matter to a prompt conclusion.

As a former Supreme Court Justice, I will not defend the indefensible, but, by golly, there is a way to punish the lying without punishing the American people, who have clearly had enough of this and then some.

I believe that the standard that we apply should be no higher and no lower than we would apply to ourselves and that we have applied to the Speaker of the House in this very chamber. The Democratic amendment assures that that will happen. Without it, there is no assurance of a bipartisan pursuit of justice, of fairness, and an ultimate answer to the American people on this issue, and then getting back to business on their issues.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, if we walk out the door to my right, in the middle on the minority side, and go left, we will come to a large marble staircase. And at the top of that staircase is a large painting, a painting by Howard Chandler Christie entitled, ''The Signing. The Constitution of the United States.'' And in the center of that portrait is Ben Franklin. It is reported that he walked out of the Constitutional Convention and a woman approached him and said, ''What kind of government have you given us, Mr. Franklin?'' And his response was: ''A republic, if you can keep it.''

The challenge before us today is: Can we keep it? Because a republic is a Nation that is guided by the rule of law. Not the whims of a dictator or a majority that can trample on the rights of a minority, but the rule of law.

I urge my colleagues to vote in support of this resolution. I, like everyone in this chamber, would like to get this process behind us. The best way to do that is to support this resolution. It is the right thing to do, it is the right way for us to keep the republic, as Franklin asked us to do.

□ 1300

Mr. CONYERS. Mr. Speaker, a former member of the Committee on the Judiciary the gentleman from California (Mr. BECERRA) is no longer with us on the committee, but we still appreciate his legal insights. I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. The President's conduct in this matter was deeply disappointing to Americans. All of us have traveled down that path. There is no question of that. This House will proceed with an inquiry. That road we have also begun to travel. There is no question of that. But how we travel down that road is still subject to intense questioning. The majority would take us down this road that would offer no end in sight, that omits the rules of the road for its conduct, in essence open-ended, without conclusion.

After more than 4 years, $50 million in taxpayer funds, we should give the American people a clear, defined and transparent process. It is not if we will proceed, it is how we will proceed. Today is the 8th of October. We are now 8 days into the new fiscal year without a budget. Tomorrow, the 9th of October, at midnight, we will have to shut down this government unless this Congress passes a budget. And yet for the American people we offer nothing, no clear, defined, transparent process. They deserve more.

Let us go to our destination and get there with Godspeed. We have work to do for seniors, for children and for working Americans. We must do it in a transparent, balanced and fair way.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS), a very valuable member of the committee.

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

Mr. GEKAS. Mr. Speaker, the simple gesture of raising one's hand accompanied by an oath to tell the truth, the whole truth and nothing but the truth, this gesture takes place hundreds of

times a day in every courthouse in the land. It is preceded by an oath that is taken by the judge to dispense justice, by the jurors to find the truth, by the bailiffs, by the clerk of court, by the sheriff, by the attorneys, the officers of the court. And when a witness mounts the witness stand pledging to tell the truth and nothing but the truth and does not, but commits perjury, then the entire process comes tumbling down.

The very core of the justice system on which we rely for justice for our families, for our churches, on our institutions, for the individual rights of every citizen of our country, all of that depends on that oath that is administered and followed, hopefully, by the witness who takes that stand.

We cannot afford to trivialize the possibility of perjury nor devalue its part in our democracy. That is why we must go forward with this impeachment inquiry to determine whether the statements given under oath amount to perjury, number one, and whether that perjury, no matter what the subject matter is, is an impeachable offense. This is not about sex. This is not about lying about sex. It is, rather, when under oath does one lie about sex.

Mr. CONYERS. Mr. Speaker, very, very few people have argued their cases in the United States Supreme Court. Eleanor Holmes Norton, our delegate from the District of Columbia, has. I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Ms. NORTON. I thank the gentleman for yielding me this time.

Mr. Speaker, we have witnessed astonishing confusion in this House and in the Judiciary Committee concerning the requirements for impeachment. If these very issues were before a court of law, there might be wide disagreement on the facts, but everyone would know what the law is. In an impeachment proceeding, the law is the standard the House sets. We move today, Mr. Speaker, not by any standard, but by the seat of our pants. We are a constitutional democracy, not a parliamentary republic. A vote of no confidence in Great Britain requires no standard, but calls forth a new election. A vote for an impeachment inquiry in the United States requires a high standard, because it could nullify an election.

Mr. Speaker, the President's misconduct may warrant an inquiry, but neither he nor any other American deserves an inquisition.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. FOSSELLA).

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

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

Mr. Speaker, it is with a heavy heart that I come before you today to support this resolution. I come not as a Republican, not as a New Yorker, but as a person who loves this great country and all its ideals and principles it represents.

Earlier today one of my colleagues said that this would be the most divisive issue since the Vietnam War. While he may believe that to be true, I take strong exception with that, and I will tell my colleagues why. Men and women were sent overseas like every other war and military conflict since our Nation's birth to defend the rule of law, the notions of personal freedom and individual liberty. And in the case before us today, we are asking a simple question: Did the President of the United States violate any of those rules of law that we cherish and that so many men and women have died for and are willing to die for at every point around the globe?

I do not want to be here today, like so many of my colleagues, but the generations of Americans yet unborn must look back on this day and this matter and this situation and see this as our finest hour, upholding what our Founding Fathers and every generation since has looked for and yearned for, the notion of freedom, the notion of liberty, the notion of the rule of law, and that each American cherish life, liberty and the pursuit of happiness. Reluctantly, I am here; I proudly, though, support this resolution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK) who came to this body at the same time as I did, a distinguished lawyer in her own right.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, we have been beseeched today on both sides of the aisle to follow the rule of law, to follow the Constitution. I ask each of you here to understand that the seat of which you occupy in this august Chamber has a constitutional limit which expires on January 3. What right have we to extend this investigation beyond our term of office? That is all that we are saying on this side of the aisle. There must be a limit. This investigation must end by the end of the year.

We also ask you to follow those points that have been raised by the Ken Starr report, extended no further, limited to that. We also say that under the Constitution, we have to know what the rules are, exactly what is the standard of conduct which is impeachable. The Constitution says impeachable requires a definition of high crimes and misdemeanors and talks about treason and bribery.

The Judiciary Committee has not had 1 day of hearings to help this country or this Congress to understand what constitutes an impeachable offense, so how can we vote today on an inquiry which has no standards, no rules of conduct, no time limit?

The President's shameful conduct has brought humiliation to the Presidency, to his family, and to this nation. He has demeaned himself and the office to which he was elected. His conduct cannot be dismissed as a private matter. When he took office he took an oath, as we did, to uphold the law. Probably more important than that oath, is the role the President has as the moral and ethical leader of our country. What will our children think about their President? How will we answer their questions?

In that backdrop this House has now the constitutional duty to judge the facts and to make a determination whether ''high crimes and misdemeanors'' amounting to treason and bribery have been committed.

Despite assurances by the Republican leadership that they would be fair in setting the rules for this inquiry I have concluded that their interests are primarily partisan.

They have the votes to do whatever they wish. Ultimately the American people will be the judge of whether they were fair.

I, like most of my constituents who have called and written, would prefer that this matter be disposed of quickly. They are disgusted by the incessant media hype regarding the sexual details and just want it to be over and done with. They want to spare their children from having to hear over and over again all the lurid details of the sexual conduct. They want the jokes to cease. The quickest way would be by censure without going through a prolonged inquiry. Under this process we would assume all the narrative facts as described in the Starr report to be true and decree a punishment short of impeachment. It would be a public reprimand. It could also be a fine and forfeiture of pay or pension. Some of these were among the punishments leveled on the Speaker at the beginning of this Congress.

We have had many discussions among minority members and it seemed to me that censure was the right course of action. I regret that it could not be what we are discussing today.

The Republican majority have the votes to carry this forward to an inquiry. They want an open ended inquiry. Most of the public wants no inquiry. The public wants an end to this sordid matter. The public wants us to get back to the business of the nation.

The Democratic minority has suggested that if there must be an inquiry it be limited to the narrative contained in the Starr report and that the inquiry conclude at the end of this 105th Congress. This is a reasonable request. Why should newly elected members of the House be bound by an inquiry which they neither voted for nor participated in? The next Congress, the 106th, if the inquiry goes forward into 1999, has to elect a new Judiciary Committee and for all we know it may have many new members. The limitation to an inquiry by this Congress is both logical and practical and certainly is in keeping with the sentiment felt across this land that they want an end to this emotional debacle.

All that is before this House is the Starr report. This is all that this House and this Judiciary Committee ought to be considering. There is no justification to add other items to this impeachment inquiry. Kenneth Starr has been investigating Whitewater for the past four years at the cost of over $40 million and has filed no report with the House. What could the Judiciary Committee accomplish that Starr has

failed to do? Filegate, Travelgate, and Chinagate are all under investigation or have been. There is no need to raise these to the level of impeachment.

If we must be saddled with an inquiry, it must be limited to the report of Kenneth Starr. The Democratic proposal is both fair, and reasonable. It should be accepted.

I shall vote against the Republican version because it leaves open the scope of this inquiry and allows it to go beyond the end of this Congress.

Furthermore, in my view the real debate we should be having in this House is what constitutes a ''high crime and misdemeanor'' within the meaning of the Constitution. Do the facts of this case, even if all true, warrant an impeachment? Are there judicial precedents? Unless and until we arrive to this determination, the rest of the inquiry is merely to sort out the sordid details, without even understanding whether even if true they mount to an impeachable offense.

Many of my constituents demand that I say whether I am for or against impeachment of this President. That's like asking whether I am ready to drop to guillotine without knowing whether a capital offense deserving death has been committed.

Our system of justice is difficult to understand. For instance OJ Simpson was found ''not guilty'' of murder because guilt had to be found ''beyond a reasonable doubt.'' Yet in civil court where ''the preponderance of evidence'' rule is the guide OJ was found liable under the same facts.

Here the Constitution sets the narrow parameters of what an impeachable offense is. We must stick to that determination. First we have to agree what an impeachable offense is. Then we have to decide whether the facts at hand come up to that level of definition.

I am the jury and the judge. Even if the were pending before my court a motion to dismiss this case I would still have to decide what an impeachable offense was and whether the facts reached this definition. If it did not, I would dismiss the case.

It's the rule of law that guides my decision toady. We must heed our constitutional duty. What we do will long endure.

Mr. HYDE. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, we are on the threshold of a very simple decision here, a simple decision to decide whether to look at and investigate the Starr report. Now, both parties in this House agree that we should investigate. The Democrats want to limit the scope and the time. But we want to follow the precedents established by Watergate.

No prior impeachment investigation has ever been limited in the United States or England in the last 600 years because of time and scope. If there is a precedent that you can cite today, please tell us. Why do we have to go forward like this? Because man believes he is above the law. In fact, Louis XIV said, ''I am the State.'' The king expressed the essence of the doctrine of unlimited power.

In 1825, Daniel Webster in his Bunker Hill Monument oration talked about unlimited power, love of power and ''long supported by the excess and abuse of it are yielding in our age to other opinions.'' What are those opinions? The Constitution.

So, my friends, we are at a threshold. Under our Constitution, the role of the House and our duty to the American people is to act simply as a grand jury in reference to the impeachment charges presented. To paraphrase Thomas More ''A Man for All Seasons'', when he said:

''The laws of this country are the great barriers that protect the citizens from the winds of evil and tyranny. If we permit one of those laws to fall, who will be able to stand in the winds that follow?''

How eloquent. How truthful. We must do the right thing and move forward with an investigative inquiry of impeachment without restrictions.

Mr. CONYERS. Mr. Speaker, with all apologies to my colleagues on this side of the aisle, without objection from the chairman of the committee, I would like to call on three of my colleagues for 20 seconds each consecutively: I would call on the gentleman from New York (Mr. ENGEL), the gentlewoman from Michigan (Ms. KILPATRICK), and the gentleman from North Carolina (Mr. HEFNER) for that amount of time, if that is permissible.

Mr. Speaker, I yield 20 seconds to the gentleman from New York (Mr. ENGEL).

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

Mr. ENGEL. Mr. Speaker, I think it is ironic that I have 20 seconds. The Republican majority wants to give us no time limit on an impeachment inquiry which will turn into an open-ended fishing expedition, but I have 20 seconds here. They want to severely limit the amount of debate here amongst our colleagues.

The American people are smart. They want this politically motivated witch-hunt to end. It is no coincidence that Mr. Starr brought his report 7 weeks before a national election.

Let us stop the politics. Let us really talk about bipartisanship. Why can we not have adequate time to debate this important thing to the Nation?

Mr. Speaker, I yield back the balance of my time, perhaps a second and a half.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the ranking member for giving me this full 20 seconds to address the American people.

It is unfair, it is unconstitutional, and it is unfortunate that we are here today. The highest office in this country, not protecting the Constitution, we ought to be ashamed of ourselves.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from North Carolina (Mr. HEFNER).

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

Mr. HEFNER. Mr. Speaker, I came here with Chairman HYDE, and we came here 24 years ago. I was hoping that I would get more than 20 seconds on this, the most important vote I have cast since I have been here. But the thing that bothers me in this whole process, and I will be leaving this august body which I love, is the hatred and the venom that this has engendered over the past year. You look at the talking heads on television, in the newscasts. There are people that are absolutely livid.

Mr. CONYERS. Mr. Speaker, I would like to recognize three more persons in the same time frame as before: The gentlewoman from Florida (Mrs. MEEK), the gentleman from Maine (Mr. BALDACCI), and the gentleman from California (Mr. FILNER).

Mr. Speaker, I yield 20 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I want to thank this Congress. I love you very much. But it is very apparent that from the very beginning you have not wanted William Jefferson Clinton as your President.

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My colleagues have gotten on a path to do it, and they are on their way.

The American people are watching. They know this process is unfair. And wherever something is unfair, there is an old saying that goodness and justice shall prevail.

So I say if my colleagues keep going, their time will come.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise today to address this situation that the House of Representatives and, indeed, the country face today. I rise in support of the motion by the gentleman from Virginia (Mr. BOUCHER) to substitute the motion by the gentleman from Illinois (Mr. HYDE) and to have an inquiry, but to have a focused inquiry, and one that has an expeditious end to it so that the Congress, which has an obligation to do the people's business, moves forward as quickly as possible and as fairly as possible. And most importantly, Mr. Speaker, I want to ensure that we are actively working to address the priorities of the American people.

Mr. Speaker, I rise today to address the situation that the House of Representatives, and indeed, face today.

Independent Counsel Kenneth Starr has presented the House of Representatives with a referral and supporting documentation containing ''substantial and credible information that President Clinton committed acts that may constitute grounds for an impeachment.'' It is now the duty of the House to determine whether or not to move forward with an impeachment ''inquiry,'' and if so, what the scope of such an inquiry should be.

This is an important matter. What President Clinton did was wrong, and he must be punished appropriately. However, instead of rushing to judgment, I believe we should pause to consider the long-term implications of our actions. I hope that the actions of this House will stand the test of time. I am concerned that they may not.

Today, I will support an inquiry that is limited in scope to the matters contained in the Independent Counsel's referral. (Should Mr. Starr refer additional matters, I would consider expanding the scope of the inquiry to include those matters at that time.) I do not believe that a wide-ranging resolution that will result in a re-examination of unrelated issues is in the best interest of our nation. The American people have rightly demanded that this matter be settled expeditiously, and there is no reason that cannot happen.

The House must define what constitutes an impeachable offense and determine whether or not the facts before us met that definition. The potential impeachment and removal from office of a popularly elected President is a very serious matter. We must carefully consider the President's conduct, and determine whether or not it rises to the level of ''high crimes and misdemeanors.'' As we go forward, I believe that we should explore whether another punishment, such as censure or rebuke, might be more appropriate to these circumstances. Above all, we must conduct our inquiry in a fair and deliberate manner that is worthy of the seriousness of the situation and that will not set precedents that will weaken the Office of the Presidency in the future.

Again, I support moving forward with a focused inquiry. I would encourage every member—Republican and Democrat—to support a focused inquiry that can bring this difficult situation to a close.

But I also want to recognize there are many other important matters facing our nation. Each week as I travel throughout Maine, I consistently hear from people that they are tired of reading about the Starr investigation. They want to talk about Social Security, education, health care and other issues that affect their day to day lives. The Congress has an obligation to do the people's business. I want to move this process forward as quickly and as fairly as possible. Most importantly, I want to ensure that we are actively working to address the priorities of the American people.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from California (Mr. FILNER.)

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

Mr. FILNER. Mr. Speaker, it is this Congress that is subverting the constitution by trivializing the impeachment process. Ken Starr has been 4 years and $40 million investigating every part of the President's life, and we are going to embark on an open-ended investigation while the world economy is collapsing, the health care system needs reform, our own finance system is corrupt, and we will be talking for months about who touched who where.

The continued investigation of the President is nothing more than a cover-up for the failure of a do-nothing Congress to address the real issues facing the American people.

I am voting ''no'' on opening an impeachment inquiry.

Impeachment is the gravest of offenses. In the view of the framers of our Constitution, impeachment is reserved for those who undermine the fundamental political and Constitutional structure of our nation. While President Clinton's behavior was both reckless and indefensible, it is not impeachable. It is this Congress that is subverting the Constitution by trivializing the impeachment process.

Ken Starr has already spent four years and $40 million investigating every aspect of the President's public and private life. It is irresponsible for this Congress to continue an open-ended investigation for who knows how long. The world economy is collapsing, our health care system needs major reform, our whole campaign finance system is corrupt—and we will be talking for months about who touched who where!

This continued investigation of the President is nothing more than a ''coverup'' for the failure of a do-nothing Congress to address the real issues facing the American people.

We must bring closure to this sorry chapter in our history as quickly as possible—so we as a nation can move on to deal with our domestic and international problems. To that end, I would urge the Congress to immediately censure the President—and begin the process of healing the breach of trust that engulfs us now.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I rise in reluctant, but strong support of the resolution offered by the Chairman of the Committee on the Judiciary.

It is disappointing to see this debate degenerate into a cacophony of cat calls.

Honest people can have honest disagreements. But I take strong exception, Mr. Speaker, to the notion that somehow this is unconstitutional. Quite the contrary. This follows the Constitution.

Incumbent upon every Member of this House today is the most important responsibility short of the responsibility of a declaration of war because we have to begin the process to determine the fitness for office of our Chief Executive.

There is no reason to let this degenerate into cat calls or into the spin cycle. Let us follow the Constitution, let us follow the procedures laid down by those who have gone before, let us not confuse the issue, trying to superimpose ethics rules of this House on the constitutional process. Vote for the inquiry of impeachment.

Mr. CONYERS. With apologies again to my colleagues, Mr. Speaker, I yield 20 seconds each to gentleman from New York (Mr. MEEKS) and the gentleman from Florida (Mr. DEUTSCH).

Mr. Speaker, I yield 20 seconds to the gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, this resolution does not allow us to even set standards. When we do not have standards, what we become is a modern-day kangaroo court.

I was arrested myself the other day, and when I was arrested for the immoral practices of the Supreme Court in hiring minority law clerks, I knew that I had a right to a speedy trial. I knew the elements of the crime that were against me. That is not here.

Dr. King once said that a threat to justice anywhere is a threat to justice everywhere.

My fellow Americans, this is not about just justice for President Clinton. This is about justice for all of the American people.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this is clearly my saddest day as a Member of this body.

As my colleagues know, we have heard a lot of protests so far, and the protest that there is no politics here. Well, know something? People are protesting that protest a little too much. It is not believable.

The reality is that my colleagues on the other side of the aisle, they cannot just impeach Bill Clinton, but the truth is they can impeach a ham sandwich. That is the reality of the situation, and the American people understand it.

Mr. CONYERS. Mr. Speaker, I yield 40 seconds to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, there are strong beliefs on this issue on both sides. I believe strongly that many of the Republicans think and believe that this is about perjury and think it is about lying, and I think Democrats think that this is about a sexual affair. And in truth: in some ways both are right.

The question before us is whether or not we believe as a people and as a Congress that these issues rise to a impeachable offense.

President Clinton did wrong. He admitted it, he said he was sorry, he asked for our forgiveness. Let us give him our forgiveness, let him run this country, let us talk about the issues that are important to the people of this country: providing health care and education, making certain that we have a fair country, a just country, a country that looks out for the poor.

That is the challenge before the American people.

That is the challenge before the Congress.

Let us meet that challenge and put this inquiry behind us, behind the American people.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, today's vote is not about impeachment. Today's vote is about the search for truth. This is a vote that our grandchildren will ask us about many years

from now when our constituents have long forgotten us, many years from now when our terms of office have been behind us for many years. They will look up and say:

''Why did you vote the way you did?''

Mr. Speaker, I think most Members are going to rise to this occasion and not vote by the polls, not vote by the parties and certainly not by the personalities, but vote for a higher reason: that question of does truth matter? What is right? What is wrong? Are we a Nation of laws? And do we want to affirm and uphold these laws? Do we see that as our constitutional oath of office?

I believe that when the gavel is sounded, most of us, Democrats and Republicans, will affirm that we do uphold the values, that we will move towards the search for truth, not happily jumping into it, but soberly upholding our constitutional oaths of office.

Mr. CONYERS. Mr. Speaker, I have a series of unanimous consent requests to revise and extend remarks, and I yield such time as they may consume to: the gentlewoman from Connecticut (Ms. DeLauro), the gentlewoman from Missouri (Ms. MCARTHY), the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), the gentlewoman from North Carolina (Mrs. CLAYTON), the gentlewoman from California (Ms. LEE), the gentlewoman from California (Ms. ESHOO), the gentlewoman from California (Ms. ROYBAL-ALLARD), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from Oregon (Ms. FURSE), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Florida (Ms. BROWN), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from Texas (Mr. BENTSEN).

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

Ms. DELAURO. Mr. Speaker, I regret that I have been denied the opportunity to join this most important constitutional debate, and I rise to announce my intention to vote against an open-ended inquiry that is bad for our families and bad for this country.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the Chair is prepared to recognize normal unanimous consent requests within the normal framework or the Chair will cut off all unanimous consent requests.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in opposition to this resolution, in support of a fair process of inquiry.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of the motion to recommit House Resolution 581 so that the measure may be amended to provide a swift, fair, judicious resolution to the inquiry of whether the referral of the Independent counsel constitutes an impeachable offense by our President.

The debate to day is not about whether to proceed with an impeachment inquiry. It is about how we should proceed. I support a responsible inquiry that will focus on the 15 findings contained in over 10,000 pages and documents provided to the Congress and the American people. Our inquiry should begin with a determination of what standard constitutes an impeachable offense, and an examination of the sufficiency of the evidence. If more evidence is needed, we can expand the inquiry. We must be sure the findings constitute impeachment.

For too long the attention of the Congress has not been focused on the needs of the American people: reforming our health care system, achieving quality education, making Social Security solvent, and restoring soundness to our global economy which faces the possibility of a serious recession in light of a world economic downturn. For the sake of the country we should complete this inquiry by the end of the year, so that we can get back to the business of the American people.

I approach this vote with a deep respect for the Constitution, the Presidency, and the Congress. It is a serious act to overturn an election. I am profoundly disturbed and disappointed by what the President has done. Impeachment is meant not to punish a President but to protect the Nation and its citizens against the abuse of power. Our actions today are more important than any one individual. This vote speaks to the essence of our democracy and the premises of our Founding Fathers. The inquiry must go forward expeditiously and free from partisanship.

I am committed to exercising sound judgment in the best interest of the citizens of my district and this great Nation.

(Ms. CHRISTIAN-GREEN asked and was given permission to revise and extend her remarks.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise in strong opposition to the resolution and in support of fairness, the Constitution and America.

That's not rain outside Mr. Speaker, today the Angels are crying.

Today will be a historic day, but what kind of history will we be making?

If the vote goes as it is projected to and the resolution from the Judiciary Committee is passed in its present form, then Mr. Speaker, today the elected representatives of the people will in doing so defy the people, ignore their pleas that enough is enough, and instead vote to proceed with an ignominious impeachment inquiry that is based solely on partisan politics and not in or on our common interest or that of the state.

In doing so, given the nature of the charges which do not come even close to meeting the standards for impeachment, and having refused to limit the scope or the time, or proceed in a fair manner, it is clear Mr. Speaker that the intent is to destroy President Clinton, and the Democratic chances for victory in November. It clearly has nothing to do with protecting the state.

My colleagues, I rise to say to you that what you are proposing to do will probably not destroy Bill Clinton although it may affect the election outcome, but what it will do is destroy the institution of the Presidency for future generations, it will undermine the Constitution that is there to protect the least of us, it will destabilize the economy that so many have benefitted from, it will weaken our military efforts abroad, and it will damage the integrity of this House.

Yes, Mr. Speaker, the Angels are crying today.

Mr. Speaker, all that the members of the Congressional Black Caucus asked for was fairness. That was not agreed to because it would have dictated that there be no inquiry at all. The Democratic caucus, knowing that a motion to proceed with the inquiry would pass, then asked for a legitimate, fair and focused process. This too is today being denied, Mr. Speaker, and in doing so it is the request of the American people that is being denied.

Today history will be made, let us proceed fairly and vote on the dictates of conscience not politics. Otherwise, I assure you, Mr. Speaker we will all regret that this day ever dawned.

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this very unfair resolution and in support of a fair resolution, the Democrat alternative.

Mr. Speaker, today, as we consider this Impeachment Inquiry Resolution, each must ask the question, what does the Constitution require of us?

Impeachment of a President is really a greater punishment of the people. When we impeach a President, we frustrate the will of the people. That is why we must consider this matter with great care and probe deeply within our own conscience.

That is why we must have standards. In the sixty impeachment proceedings since 1789, no Congress has ever impeached a President. Two Presidents have faced impeachment, Andrew Johnson, 1868, and Richard Nixon in 1974. Johnson was acquitted. Nixon resigned before trial.

The Constitution sets out what constitutes an ''Impeachable Offense'', as ''Treason, Bribery, or other High Crimes and Misdemeanors.'' We must ask ourselves, do we believe this President has committed ''treason,'' or any offense like treason?

Treason, attempting by overt acts to overthrow the government, or betraying the government into the hands of a foreign power? We must ask ourselves, can it be said that this President committed ''bribery,'' attempting to influence the behavior of a public official?

Neither the Starr Report nor the Shippers Charges, list treason or bribery among the claimed offenses. So, what does ''Other high crimes and misdemeanors,'' mean?

We must not substitute our personal view of an impeachable offense for the Constitution's definition. And, what of the people's business? What of education, health care, small farmers, the global economy, and Social Security? Each must ask, in seeking to do our duty with this matter, have we done our duty for the people? When this day closes, each must ask, have I moved this Nation forward? Have I met my appointed task? Have I carried out my responsibility? Have I done the deeds for which I am obliged?

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

Ms. LEE. Mr. Speaker, I am in strong opposition to any impeachment inquiry, and hopefully we will move forward though in a fair and speedy process.

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

Ms. ESHOO. Mr. Speaker, I rise today in opposition to the resolution believing that in the national interest, in the national interest, that we have a brief and concise hearing.

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in opposition to this unfair resolution.

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this undemocratic, unconstitutional resolution.

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

Ms. FURSE. Mr. Speaker, I rise in strong opposition to this unfair Republican resolution and in favor of the fair Democratic alternative.

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in unequivocal opposition to this unfair practice.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in opposition to the Hyde resolution and in favor of the Democratic amendment.

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

Ms. WOOLSEY. Mr. Speaker, I stand in opposition to the Hyde resolution and in support of the Democratic alternative.

As a woman and a Democrat, I am embarrassed by the President's conduct. What he did was wrong.

The very idea of considering impeaching a duly-elected President and removing him from office is one of the most serious and weighty tasks of the U.S. Congress. Since the Independent Counsel's report was delivered to the steps of Capitol Hill, I have thoroughly and carefully reviewed the allegations. But since that day, I have also seen important constitutional questions answered with partisanship, compromise destroyed by politics, and legal discussions replaced by political attacks. The Republican leadership has allowed desire for political gain to distort this investigation, with little regard for the harm done to American families.

The mudslinging and dirt digging has gone too far and lasted too long. It has hurt our country, damaged this Congress, and harmed our families. We should be focusing on education, Social Security, and health care. Our nation cannot endure an inquiry that goes on month after month with no direction and no end in sight. Before we jump in head first, we need an exit strategy.

That is why I will vote against the Republican resolution. With no limits and no guidelines, the Republican resolution gives the majority party carte-blanche to do still more dirt digging, more snooping, and more probing into personal lives and intimate details. Quite simply, the Republican investigation risks careening out-of-control and dragging our kids and our families down with it.

I will vote for the Democratic alternative proposal because it is fair, focused, and finite. While it does allow Congress to expand its investigation should new facts come to light, it first defines an impeachable offense, specifies the scope of the investigation, and establishes a concrete time frame. Without these guidelines and the time limit, we will never be able to get this ordeal behind us.

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, I rise against this pre-Halloween witch-hunt.

Mr. Speaker, I rise today in strong opposition to this impeachment inquiry resolution. We have lost our senses in this Congress! This proposed inquiry is the result of a well-planned witch hunt. For years the nation has been forced to live with daily news articles aimed at discrediting the President and the First Lady. The nation is weary and the world is in crisis! We must end this insanity now!

Our Constitution is at stake; our democratic system is at stake. Will the Congress overturn the will of the people in electing our President? The report to the Congress on this matter is not about high crimes or misdemeanors against the United States of America—the only grounds for impeachment.

We do not need to waste more time on this issue. Every year 1 million more people lose health care and our education system is collapsing. This leadership refuses to address the important issues of working people, children, and the nation's oppressed. I urge my colleagues to end this nightmare now!

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

Mr. MENENDEZ. In view of the partisan, arbitrary and capricious limitation of time, I rise in opposition to the Republican proposal that limits time but does not limit scope.

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

Mr. BENTSEN. Mr. Speaker, the issue before the House of Representatives today is not whether the President's behavior should be condoned, nor is it whether the House should proceed with an inquiry to determine if this behavior amounts to an impeachable offense. I believe that the President's behavior was wrong and indefensible, and I believe an inquiry is necessary. The question before us today is what form this inquiry should take. Should it be an open-ended process as provided in the underlying motion H. Res. 581 that allows the Judiciary Committee to investigate anything it wants for as long as it wants, as this resolution would authorize, or should the inquiry be limited in scope to the allegations contained in the Independent Counsel's referral and brought to resolution by the end of the year, as the Boucher motion to recommit would do?

Today, I am voting for the motion to recommit because I believe the House should fully and fairly investigate this matter, but also bring it to a conclusion so we can move on and address the critical challenges facing our nation, including the most serious international economic crisis in half a century. If the motion to recommit were adopted, we could immediately begin with an in-depth inquiry into the referral of the Independent Counsel. The nation cannot afford, and the American people do not want, an open-ended, boundless, limitless inquiry as contained in the Hyde resolution that would consume all the time and energy of our nation's leaders. How long will this resolution go on? One year, two years? I fear the Congress will get little, if anything, done if we reject the Boucher motion and adopt the Hyde motion, as underscored by the recent track record of inaction on the budget, the Patients Bill of Rights, recapitalization of the International Monetary Fund, and other critical issues. My constituents tell me that they want this matter resolved quickly and fairly, and that is what I am voting to do today.

The resolution I am voting for today fulfills the House's obligations under the Constitution and the Independent Counsel law. It establishes a process by which the Judiciary Committee would first thoroughly and comprehensively review the constitutional standard for impeachment of the President. If the Committee determined that the Independent Counsel's referral could constitute grounds for impeachment, the Committee would then move to an inquiry stage in which it would fully and completely determine whether to recommend to the House that grounds exist for the House to exercise its constitutional power to impeach the President. If the Committee did not recommend impeachment to the House, this resolution would allow the Judiciary Committee to consider alternative sanctions or to recommend no action at all. It is also important to note that this resolution, while limiting the scope of the current inquiry to the Independent Counsel's referral, recognizes that the House would have to consider—as required under the Independent Counsel statute—any additional referral subsequently forwarded by the Office of the Independent Counsel. In short, this resolution neither forecloses a broader inquiry should one be warranted, not does it presume that one may be needed, as the majority's resolution would do.

That said, I believe it is terribly important, given the circumstances, that Congress should seek to determine whether there is serious injury to the system of Government. But this does not mean that we should have an open ended inquisition. The alternative resolution does not preclude investigating other matters when they are referred. It only means that for now, we should investigate what Judge Starr has referred to the Congress and proceed expeditiously and, above all, fairly.

Mr. Speaker, we should remember that the Framers of the Constitution did not see impeachment as punishment. Impeachment is a vehicle by which to remove a threat to the nation's laws and to restore its political and legal health. We cannot let our collective anger get in the way of our official duties to the nation. If it is our anger that we want to express, we have several options and we can debate those at a later date. But we have a very serious

and terribly important duty to uphold and defend the Constitution, not only from foreign enemies, but from our own destructive impulses as well.

Before we proceed with this inquiry, we should determine what, in fact, constitutes an impeachable offense. Determining what are impeachable offenses will help the Congress to expedite this inquiry. Also, if evidence exists that warrants impeachment, we will be able to build the strongest case possible against the President. No President, today or in the future, should be impeached on accusations that amount to death by a thousand cuts. Rather, he should be impeached on the most serious, most tragic misconduct against the state.

The consequences of wringing our collective hands over this issue for the remainder of the Clinton Presidency are enormous and dire. First, the international financial crisis that has ravaged economies in Asia, Russia, and South America is slowly making its way to our borders. This crisis has produced consequences not seen in 65 years, since the Great Depression: deflation, mass unemployment, and currency devaluations. We should be working to fix the problems associated with unregulated capital markets. Second, there are a host of foreign policy challenges that we are not addressing as a result of our attention to this issue—in Kosovo, the Middle East, North Korea, and Iraq.

Above all, whatever action we take must stand the test of time. History will not shine brightly on the 105th Congress if we are wrong about how we proceed. Therefore, Mr. Speaker, I urge my colleagues to support the alternative motion, to authorize an immediate inquiry by the Judiciary Committee into the Starr referral and report back its findings and recommended actions no later than December 31, 1998 so that we may put this sordid chapter of American History behind us and continue to move the nation forward.

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Mr. CONYERS. Mr. Speaker, I would like to continue with apologies to recognize my colleagues on this side for 20 seconds each: The son of our friend HAROLD FORD, the gentleman from Tennessee (Mr. FORD, Jr.), the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Massachusetts (Mr. TIERNEY).

Mr. Speaker, I yield 20 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, some of my colleague on that side of the aisle do not like our President. Some of my colleagues on this side of the aisle may not like the Speaker. Some of my colleagues on that side of the aisle may not like other colleagues of theirs, and those on this side the same.

But that does not give us the grounds to launch an impeachment inquiry. Let us do the fair thing, I say to the gentleman from Illinois (Mr. HYDE). Let us do the right thing.

We all want an inquiry. We all think it is the fair thing to do. But put some time limits, some scope limits. Do the right thing for America. We did it for the Speaker. Do it for this President

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I think that we all should understand that the American public are not just going to be mere spectators in this masquerade, since we are getting close to Halloween, I guess we want to get there earlier, of a legitimate inquiry.

This Congress has conducted dozens upon dozens of investigations of Bill Clinton and his administration. Not one of them would any objective person say has been fair or nonpartisan, and this will not be. But if we got to impeach this President or force him from office, there will be economic consequences for the American people. Let them in on this big secret that they will not just be spectators if we carry on with this charade.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Speaker, the Committee on the Judiciary was asked on September 11 to review the communication received on September 9 to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced. We did not ask to go beyond what was in that report, but this is what the other party seeks to do.

We asked them to define the standard of what was an impeachable offense and measure against that what was in that report, and they have not done that on the committee. This was to be done before we got here today. We now need a fair process, Mr. Speaker. Let us hope we can get on with that type of process.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume 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 rise to oppose the open ended investigation and support a limited one.

Mr. Speaker, the overturning of an election in a democracy should not be taken lightly. Our country's history in presidential impeachment inquiries is limited due to the seriousness of overturning an election.

The President's conduct cannot be defended, and I have not done so. Like most Americans, I believed the President last January when he misled and lied to us. I was disappointed with the President's behavior and I will not defend his actions.

The House Judiciary Committee has recommended the beginning of an inquiry into impeachment of the President. This resolution is not limited in scope or time. The Independent Counsel's office has submitted one report based on the Lewinsky allegations while the Judiciary Committee, on a partisan vote, wants an inquiry that is broad-based and not limited in time. We should provide limits to any inquiry that potentially will overturn an election.

One of our founding fathers, George Mason, said that the phrase "high crimes and misdemeanors refers to presidential actions that are great and dangerous offenses, or attempts to subvert the Constitution." Alexander Hamilton, in the Federalist Paper Number 65, wrote that "Impeachable offenses relate chiefly to injuries done immediately to society itself." An impeachment should only be undertaken for serious abuse of official power or a serious breach of official duties. The impeachment process should never be used as a legislative vote of no confidence on the President's conduct or policies.

This week I had the opportunity to listen to many constitutional scholars. Attached is a letter from some of them that provides the basis to oppose an unlimited inquiry.

OCTOBER 2, 1998.

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

DEAR MR. SPEAKER: Did President Clinton commit "high Crimes and Misdemeanors" for which he may properly be impeached? We, the undersigned professors of law, believe that the misconduct alleged in the Independent Counsel's report does not cross that threshold.

We write neither as Democrats nor as Republicans. Some of us believe that the President has acted disgracefully, some that the Independent Counsel has. This letter has nothing to do with any such judgments. Rather, it expresses the one judgment on which we all agree: that the Independent Counsel's report does not make a case for presidential impeachment.

No existing judicial precedents bind Congress's determination of the meaning of "high Crimes and Misdemeanors." But it is clear that Members of Congress would violate their constitutional responsibilities if they sought to impeach and remove the President merely for conduct of which they disapproved.

The President's independence from Congress is fundamental to the American structure of government. It is essential to the separation of powers. It is essential to the President's ability to discharge such constitutional duties as vetoing legislation that he considers contrary to the nation's interests. And it is essential to governance whenever the White House belongs to a party different from that which controls the Capitol. The lower the threshold for impeachment, the weaker the President. If the President could be removed for any conduct of which Congress disapproved, this fundamental element of our democracy—the President's independence from Congress—would be destroyed.

It is not enough, therefore, that Congress strongly disapprove of the President's conduct. Under the Constitution, the President cannot be impeached unless he has committed "Treason, Bribery, or other high Crimes and Misdemeanors."

Some of the charges laid out in the Independent Counsel's report fall so far short of this high standard that they strain good sense: for example, the charge that the President repeatedly declined to testify voluntarily or pressed a debatable privilege claim that was later judicially rejected. These "offenses" are not remotely impeachable. With respect, however, to other allegations, the report requires careful consideration of the kind of misconduct that renders a President constitutionally unfit to remain in office.

Neither history nor legal definitions provide a precise list of high crimes and misdemeanors. Reasonable people have differed in interpreting these words. We believe that the proper interpretation of the Impeachment Clause must begin by recognizing treason and bribery as core or paradigmatic instances, from which the meaning of "other high Crimes and Misdemeanors" is to be extrapolated. The constitutional standard for

impeachment would be very different if, instead of treason and bribery, different offenses had been specified. The clause does not read, ''Arson, Larceny, or other high Crimes and Misdemeanors,'' implying that any significant crime might be an impeachable offense. Nor does it read, ''misleading the People, Breach of Campaign Promises, or other high Crimes and Misdemeanors,'' implying that any serious violation of public confidence might be impeachable. Nor does it read, ''Adultery, Fornication, or other high Crimes and Misdemeanors,'' implying that any conduct deemed to reveal serious moral lapses might be an impeachable offense.

When a President commits treason, he exercises his executive powers, or uses information obtained by virtue of his executive powers, deliberately to aid an enemy. When a President is bribed, he exercises or offers to exercise his executive powers in exchange for corrupt gain. Both acts involve the criminal exercise of presidential powers, converting those awful powers into an instrument either of enemy interests or of purely personal gain. We believe that the critical, distinctive feature of treason and bribery is grossly derelict exercise of official power (or, in the case of bribery to obtain or retain office, gross criminality in the pursuit of official power). Nonindictable conduct might rise to this level. For example, a President might be properly impeached if, as a result of drunkenness, he recklessly and repeatedly misused executive authority.

The misconduct of which the President is accused does not involve the derelict exercise of executive powers. Most of this misconduct does not involve the exercise of executive powers at all. If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such. If he concealed evidence, this misdeed too involved no exercise of executive authority. By contrast, if he sought wrongfully to place someone in a job at the Pentagon, or lied to subordinates hoping they would repeat his false statements, these acts could have involved a wrongful use of presidential influence, but we cannot believe that the President's alleged conduct of this nature amounts to the grossly derelict exercise of executive power sufficient for impeachment.

Perjury and obstructing justice can without doubt be impeachable offenses. A President who corruptly used the Federal Bureau of Investigation to obstruct an investigation would have criminally exercised his presidential powers. Moreover, covering up a crime furthers or aids the underlying crime. Thus a President who committed perjury to cover up his subordinates' criminal exercise of executive authority would also have committed an impeachable offense. But if the underlying offense were adultery, calling the President to testify could not create an offense justifying impeachment where there was none before.

It goes without saying that lying under oath is a serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage, but only when circumstances genuinely justify the enormous price the nation will pay in governance and stature if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, with all its extraordinary revelations, they oppose impeachment for the offenses alleged therein.

We do not say that a ''private'' crime could never be so heinous as to warrant impeachment. Thus Congress might responsibly determine that a President who had committed murder must be in prison, not in office. An individual who by the law of the land cannot be permitted to remain at large, need not be permitted to remain President. But if certain crimes demand immediate removal of a President from office because of their unspeakable heinousness, the offenses alleged against the President in the Independent Counsel's referral are not among them. Short of heinous criminality, impeachment demands convincing evidence of grossly derelict exercise of official authority. In our judgment, Mr. Starr's report contains no such evidence.

Sincerely,

Jed Rubenfeld, Professor of Law, Yale University.

Bruce Ackerman, Sterling Professor of Law and Political Science, Yale University.

Akhil Reed Amar, Southmayd Professor of Law, Yale University.

Susan Bloch, Professor of Law, Georgetown University Law Center.

Paul D. Carrington, Harry R. Chadwick Sr. Professor of Law, Duke University School of Law.

John Hart Ely, Richard A. Hausler Professor of Law, University of Miami School of Law.

Susan Estrich, Robert Kingsley Professor of Law and Political Science, University of Southern California.

John E. Nowak, David C. Baum Professor of Law, University of Illinois College of Law.

Judith Resnik, Arthur L. Liman Professor, Yale Law School.

Christopher Schroeder, Professor of Law, Duke University School of Law.

Suzanne Sherry, Earl R. Larson Professor of Law, University of Minnesota Law School.

Geoffrey R. Stone, Harry Kalven, Jr. Dist. Serv. Professor & Provost, University of Chicago Law School.

Laurence H. Tribe, Tyler Professor of Constitution Law, Harvard University Law School.

Note: Institutional affiliations for purposes of identification only.

I urge a yes vote for a limited and specific inquiry and a no vote on the open-ended, partisan Judiciary Committee inquiry. Our nation is more important than an individual or political party.

The SPEAKER. The gentleman from Michigan (Mr. CONYERS) has 8¼ minutes remaining. The gentleman from Illinois (Mr. HYDE) has 8 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from New York (Mrs. LOWEY), then I yield 20 seconds to the gentleman from Tennessee (Mr. CLEMENT), then I yield 20 seconds to the gentleman from Georgia (Mr. LEWIS), our deputy whip of the House, if you please.

Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, my colleagues, the people of the United States are wise and fair. They understand that the President's conduct, the President's lies, the President's behavior was wrong and immoral and reprehensible. But they are wise.

I want to appeal to my colleagues as a woman, as a mother, as a grandmother, and as a lawmaker, let us have a formal rebuke of this behavior, but then let us move forward in this House, because I want to make it very clear that we believe it is immoral not to be rebuilding our schools, not to be taking care of our children, not it be focusing on health care, and not to preserve Social Security and Medicare.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, the President of the United States has the toughest job on the face of the earth. We cannot indefinitely keep this open and keep it going into next year. The economy is at stake; we know that. The economy is unraveling now; we know that. How can we neglect it?

We also know there are a lot of regional and ethnic problems in this world. We need to focus on that. We do not need to be preoccupied with Monica or anything else. We need to get on with the business at hand. Let us move forward.

Mr. CONYERS. Mr. Speaker, I yield 20 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, we should be standing here debating the future of Social Security. We should be standing here debating health care. We should be standing here debating education for our children and how we can protect the environment.

Instead, we are participating in a political charade. Republicans want to do what they could not do in an election, defeat Bill Clinton. I have news for my colleagues, the American people are watching. Beware the wrath of the American people, Mr. Speaker, beware.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I am going to start with a personal story. People constantly ask me where do I get the strength to be a Member of Congress at this difficult time in my life. I have to tell my colleagues that the strength boils down to a day in Lake Tahoe still. I had to kneel down before my two children, Chesare and Chianna, and tell them about the death of their father. While they looked at me, it was through their eyes that they gave me the strength that I needed to go on and do the right thing.

I think it is now the time that we, perhaps, look at all of our children's eyes. Look at their eyes for the strength that we need to go forward and to do the right thing.

This is about the truth, and it is about the Constitution. But the Constitution is based upon truth. I think all of this perhaps is nothing more than the noise of we are being dragged and kicking our way to the truth. That is what it is about is the truth.

I do believe that once we get to the truth, all of this will converge, Democrats, Republicans, the spin in fact,

polling data, and reality. It will all converge. When we have that, perhaps this will end up being nothing more than the sound that is made when a leader falls off of his pedestal. Perhaps it will be a lot more than that.

But I say the only way we can get to this quickly is to vote for the Committee on the Judiciary resolution and put this work behind us.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, in the beginning I want to make two things clear. First I do not defend the President's actions in the Lewinsky matter. He says they are wrong, I agree. Second, the matter of the impeachment process must be conducted in a manner which is fair, expeditious, and completely open.

Do these proceedings offered us in the Republican proposal meet these tests? Clearly, No.

In less than one hour Democrats are supposed to be able to discuss questions which rank in Constitutional importance with the declaration of war—the impeachment of a President and setting aside a presidential election, in which the people chose their President is before us.

We function under a gag rule. We are denied opportunity for the people to have this matter properly discussed in their Congress.

In one hour Minority members are to discuss a great Constitutional question, impeachment of a President—unlimited time to be spent on an investigation, unlimited personnel to be deployed, no limits as to money to be spent, no limits on the breadth and sweep of the investigation. All to be done under a gag rule!

At issue here is not whether the House will convene an impeachment proceeding. Before us is whether it will be fair, open and expeditious.

We have the referral of Mr. Starr. In that document he says he has put forward all information then available to justify impeachment.

I note Mr. Starr has spent over four years, forty million dollars, the time of scores and possibly hundreds of Federal law enforcement officers and other government employees and the full authority of the Federal Government.

I also note that another prior Special Prosecutor, Starr's predecessor, spent two years and $20 million, and found no wrong doing.

Mr. Starr, then, finds, after prodigious effort and expenditure of funds, the substance reported in his referral.

There he finds nothing now, except improper sexual activity, on which he reports in extensive, and in nauseating detail.

I insisted that all this be published in full, since it is regrettably the people's business.

If you listen to the people, they are telling you they want the matter brought to a speedy end.

It can be ended speedily, and it should be. It will not take more than until year's end to go thoroughly into the full of Mr. Starr's referral, in whatever detail the Judiciary Committee wishes.

If they find more, or wish to inquire further, the Judiciary Committee can return and with proper request procure such additional authority as they require to carry out their function. No one will gainsay them.

I have supported this inquiry until now. I believe such inquiry should go forward, properly.

I do not however believe we should have an unlimited inquiry, without constraints, and with an unlimited budget.

The Republican resolution authorizes a partisan witch hunt, not a responsible inquiry.

Vote against the partisan Republican resolution, vote for the Minority's resolution for a proper inquiry. It is fair, expeditious and open.

The people are watching.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in support of and encourage bipartisan support of both the motion to recommit and final passage.

In spite of the countless words which already have been spoken and written about the vote before us today, I feel compelled to clarify what this vote is and what it is not.

First, this is not a vote about guilt or innocence, primarily of President Clinton or, as some have recommended, of Kenneth Starr. While Members cannot be expected to be void of personal opinion, I believe those who already have made public declarations of guilt or innocence in this case have been both premature and negligent in their constitutional responsibilities.

Second, this is not a vote about punishment or the specific punishment of impeachment. Unfortunately, the media frenzy about this action has confused many citizens who believe the House is voting today for or against impeachment. We are not. At this point, it is entirely unpredictable what the ultimate outcome of this process will be. What is clear is that the Constitutional standard of impeachable offenses is a high and serious one.

Third, this vote is not about the election coming up in less than four weeks. I have been amused by reporters quizzing me in the past week about the degree to which political concerns enter into my votes today. I would like to know how they think any vote has a political advantage in a District, such as mine, which is split right down the middle on each question of impeachment, resignation, censure or discontinued all action. No, my votes today are not about politics and reelection.

What we are voting on is of the highest, most serious nature. We must cast votes which can stand through time, votes which we can defend today, next week, next year, and for the rest of our lives. Every member must not only feel free to vote his or her conscience, as has been mentioned several times today, but they must feel obligated to do so.

For me, that means doing all that I can to create an environment of fairness, justice, and stability for our Country. That is why I am supporting the motions which allow us to move forward toward those goals.

While my constituents have differing opinions about what should happen next in this process, they are united in one desire: to have this unfortunate episode moved out of the present preoccupation and into past history. I believe that as a Nation we will not be able to move on to other pressing issues until we have properly cleared the air, until Constitutional scholars have dissected and debated the Constitutional questions, until Members have been given a chance to evaluate the merits of various responses, and until the public has confidence that fairness and justice has been served.

I am proud of my party for working together to construct a motion which addresses concerns I had about the earlier motion. The scope has been expanded to permit additional referrals from the Independent Counsel, a critical amendment in my opinion. Second, while accepting the reasonable end-of-the-year time goal already suggested by Chairman HYDE, the Democratic motion also acknowledges the limitations of one Congress mandating behavior by a subsequent Congress. Further, the motion expressly states that if the Judiciary Committee is unable to complete its assignment within this time frame, a report requesting an extension of time will be in order. Thus, there is no arbitrary time limit included in this motion.

But knowing that as the minority party this motion is unlikely to prevail today, I am also prepared to vote for the base motion which can pass and allow our Nation to progress to the next necessary step of the process which will allow healing to begin. This resolution provides the Judiciary Committee with a great deal of authority but a great deal of responsibility as well.

I offer my vote in good faith, taking the gentleman from Illinois, Chairman HYDE, at his word. By doing so as a minority Member, I believe that I can serve to help keep this process honest. Having shown my good faith by this vote, I also stand alert to object loudly if the process is then abused with partisan gamesmanship. Such abuse, by either side, has no place in this matter.

I support both of the motions before us today and encourage my colleagues on both sides of the aisle to do likewise.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I support the motion to recommit, and I am opposed to the resolution.

Mr. Speaker, today's debate and the decision to move ahead with an inquiry of impeachment is a decision that we must address and which has taken four long weeks to make its way to the House Floor. Personally, I am deeply saddened by the President's conduct, but it is time for us to get on with the task. Looking into the details of the President's personal life is not an issue with which Congress should need to be involved. This is a view that many of our constituents share. We have heard and read too much on this matter. We know what we need to know, perhaps even more than we should know with regards to some details. It is time to move forward as expeditiously as possible so that we can return to the business of our nation and the people's concerns.

While we debate this resolution and move forward with an inquiry, other pressing matters that affect the everyday lives of our constituents go unanswered. Today, at this late date, the federal government is operating without a

budget; funding legislation for most government agencies and programs remains in a Congressional gridlock; the President's initiative to improve our children's education by lowering classroom size is ignored; the tobacco settlement is blocked by special interests; and there is no time to address the growing health care crisis, the expulsion of hundreds of thousands of seniors from HMOs, and the HMOs' continued high handed policies that short change consumers and dictate to doctor and patient alike. About the only issues that the House seems to have time for are more investigations of the President and election year posturing for special interest tax breaks and anti-environmental riders. It is time for this House to move forward and address the issues that matter, helping the American people to help themselves.

I support the Democratic alternative to conduct the inquiry. This Democratic alternative limits the scope of the inquiry to the report submitted by Mr. Starr and establishes a workable time frame, requiring Committee action to be completed by the end of December. The Office of Independent Counsel (OIC) issued a report on September 11 with specific allegations. We are compelled to review this report and the supporting documentation to determine their validity. What we must not do is to adapt a resolution of inquiry which will hand over the O.I.C. the ability to superimpose the Starr agenda of continual referrals upon this House essentially subventing the Legislative Branch controlling the work and agenda of Congress to their end, the people's house controlled

This Democratic alternative is a sound and fair framework which sets out an orderly process to assess whether the allegations meet the test of the Constitution first, and then and only then to proceed to determine the validity of such allegations.

Mr. Speaker, the American people are divided about what steps should be taken on this matter. Some have called for the impeachment of the President, others favor censure, while still others believe that the President's personal life should not be the concern of Congress or the OIC. Regardless of their views, however, the American people want this issue resolved and put behind us as quickly as possible. The Democratic alternative best meets that goal by establishing the proper scope and time frame to being this matter to a deliberate and orderly conclusion.

Consideration of any impeachment resolution or inquiry is a serious matter. It is a Constitutional responsibility which I take very seriously. However, acting responsibly should not be equated with an open-ended, unfocused inquiry. The information that supposedly justifies this inquiry has been submitted by the OIC and is already available to the Committee and to the House. Requiring the Judiciary Committee to act by the end of November is a responsible time frame which allows more than enough time to consider the charges and to make a final recommendation. If new information comes to light or more time is required, that request could be accommodated at that point in time.

Any inquiry should be focused solely on the matters already submitted by Independent Counsel Starr. Mr. Starr and his staff had over 4½ years and $44 million to investigate virtually every aspect of the President's life and to track down every rumor in Washington, D.C., Arkansas and who knows where else. The result of that exhaustive investigation is the Independent Counsel's report and the boxes and boxes of information that he has submitted to the House. The extraordinary report, which repeatedly and redundantly outlines the allegations in vivid detail, has been publicly available for a month and spread across the land.

This report should be the sum and substance of our focus. The OIC report is where the matter should end and not be the opening for an impeachment inquiry that rehashes every House investigation and every rumor spread over the past six years of the President's term. In itself, the OIC report justifies this limitation. If after nearly five years and $45 million, the OIC did not forward the information to the House, it should not now be raised. Nor should Mr. Starr put this nation through endless impeachment inquiries and debate with each new focus or chapter in his investigation, stringing this matter out even further. Starr has had an opportunity to put his best case forward to Congress and the American people this September. The Starr Report, in all its explicit detail, was regrettably made public without Congress even screening the material and without giving the President an opportunity to respond. It is now time for Congress to act and with such action the Starr investigation of the President should come to a close. The American people want and deserve a break from this constant drum beat of investigations and leaks. This Congressional House, the People's Body, should get back to the business which the people sent us to address.

Finally, Mr. Speaker, the claim today of nonpartisan conduct is laudable but actions speak louder than words. This resolution leads this House down a path of partisan inquiry and hearings, no limits on the topics or scope, no time or date to complete. Good intentions and claims of good faith should be backed up with text and within context.

Justice delayed is justice denied and this House has a responsibility to make a decision, but today the rule of law is being abused and twisted to serve as a Republican spring board to persecute not pursue facts and conclude, but rather partisan advantage. Certainly this inquiry need not be conducted this way. Fairness, focus, deliberation and expeditious action ought to be our goal and guide, to get to work and get on with it, not to dribble out and follow every rumor over the next year. The House should demand that the Starr report and allegations put up their best case now or shut down this five year inquisitionlike process. The formula we have in this motion is proposition to make no decision, it makes me wonder whether the President's accusers have the courage of their conviction to actually vote for a process that will lead to a result or just procrastinate and duck the issue waiting.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. KENNELLY).

(Mrs. KENNELLY of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY of Connecticut. Mr. Speaker, I am against the open-ended high resolution.

Today I will vote for the Democratic alternative because it will allow us an orderly and efficient process for evaluating the Starr Report. I will vote against the Republican proposal because it will provide the opposite—a lengthy, time-consuming, open-ended investigation that I do not think is in the best interest of the country.

All of us—members of this House and the public in general—know, basically, the facts of this situation. We understand what has happened, we may know, frankly, even more than we might wish. We have an obligation to consider the facts and to handle the issue. Dealing with the information already before us and coming to a conclusion by the end of this year seems completely reasonable to me.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition to this never-ending impeachment inquiry resolution.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GALLEGLY).

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

Mr. GALLEGLY. Mr. Speaker, I, without pleasure, rise today in support of the resolution.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 581.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

(Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to the majority resolution.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

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

Mr. LIPINSKI. Mr. Speaker, today, I will vote to start the formal inquiry into whether President Clinton should be impeached. The President's relationship with Monica Lewinsky was shameful, humiliating, and immoral, and his lying to the American people was deplorable and reprehensible. His

dishonesty created a breach of trust between the President and the American people, which I believe calls into question his ability to be an effective leader.

The President's alleged actions in trying to conceal the Monica Lewinsky affair may constitute an obstruction of justice. In addition, his deposition in the Paula Jones case, along with his testimony before the federal grand jury, may be construed as perjury.

There is enough evidence before us now that cannot be ignored. As Americans, we owe it to our constitutional government to move ahead with a full scale investigation that will ultimately be judged by the American people. We may be weary of this entire affair, but we have a responsibility to do our job as the Founding Fathers would have wanted us to. Laws may be broken and to ignore such possible transgressions is a crime against our constitution. This matter should be fully investigated by Congress and the American people.

There is no doubt this is a serious matter and a very difficult decision that should not be based on politics. This rises above partisan politics. This is about doing the right thing for our Republic.

For these reasons, I believe a thorough and complete investigation not limited by time and scope should be entered into by the House of Representatives.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

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

Mr. COSTELLO. Mr. Speaker, the House today undertakes one of the most serious deliberations facing this Congress—whether to proceed with a process to impeach President Clinton. The report issued to this Congress by Independent Counsel Kenneth Starr—and the thousands of pages of additional documents containing related information—have provided Members of Congress with an opportunity to review the actions taken by the President and make an initial judgment.

There is information in the Starr Report that is very disturbing. I am greatly disappointed in the President's behavior and his affair with Monica Lewinsky. He has misled the American people by at first denying the affair and then admitting his transgressions. He has misled his family and the people who work for him by having them defend his denials. He has brought tremendous shame on the Presidency and the White House.

As disappointed as I am with President Clinton, I am also disappointed and disturbed by the conduct of the Independent Counsel, Kenneth Starr. I believe his investigation has produced leaks to the media which under our grand jury secrecy laws are illegal. I believe his investigators have intimidated witnesses and used questionable tactics to obtain information. Finally, his report is replete with salacious and unnecessary information that have disgusted the American people. I believe much of his investigation has been aimed only at embarrassing and weakening the President.

The question facing this Congress is whether the President's affairs with Monica Lewinsky merits his impeachment. The Independent Counsel has spent almost five years and $50 million investigating the President. He has included what he believes to be the most serious allegations in his report; I have read this report: I have read the rebuttal of the White House and I have examined other relevant information sent to Congress by Kenneth Starr.

I have come to the judgment that the House should proceed with an impeachment inquiry but within a specific, limited amount of time. The Judiciary Committee has before it the product of the Independent Counsel. The Members of the Committee can finish their work and come to a judgment by the end of this year. If it means the Members of the House have to come back after Election Day to vote on a resolution of impeachment, then that is our duty.

I intend to vote for such a motion today on the House floor, and against the Hyde Resolution offered by the Republican Majority. The Republicans have crafted a resolution which includes no time limits, no boundaries, no scope. If their resolution is passed, we are looking at months and perhaps years of further investigation. In their partisan attempt to embarrass the President and make this an election issue, they have refused to allow an alternative to their resolution and permit only two hours of debate. It is an insult to our democratic process. Mr. Speaker, this investigation will become more partisan and political as time goes on.

There is much at stake as we consider this inquiry. We are facing a global fiscal crisis, a potential conflict in Central Europe involving Serbia and Albania, and continued problems here at home. The world is anticipating the leadership only America can provide. Are we prepared to squander the political prowess and leadership of the United States of America to further investigate the President's extramarital affair? Will millions of American continue to live in poverty and without health insurance as Congress wastes millions on more Lewinsky hearings?

Mr. Speaker, it is time to bring this investigation to a close. The American people want us to weigh the evidence presented in the Starr Report, allow the Judiciary Committee to go ahead and make a judgment by the end of the year, and recommend a decision to the full House. The House should then vote and get this matter behind us, so we can turn as a nation to address those other issues which are calling out for our focused leadership. That is why I intend to vote to reject the open-ended Republican resolution, and for the motion to set specific time limits and scope so we as a nation can bring this matter to an end.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I rise today in support of the resolution offered by Mr. HYDE to begin an inquiry into allegations against the President of the United States. This decision does not come easily, but I believe that it is in the best interest of our nation. It is time to bring closure to this painful time in our history by conducting an open, fair and bipartisan inquiry to determine the facts in this case. Passage of the resolution will put in place a process to resolve this matter and allow Congress to move on and deal with the more pressing issues of the Country.

I am not entirely pleased with the resolution we have before us. I would like to see some time limits placed on the hearing so this matter does not drag out for an extended period of time. That is why I also support the Democratic amendment which places reasonable time limits on the process while allowing for an extension of the inquiry if new information is presented or it becomes clear that more time is needed to conduct a thorough hearing. There comes a time, however, when we must rely on the promises of members who are leading this effort. Chairman HYDE has promised that he will make every effort to finish this inquiry before the end of this year. Chairman HYDE is a man of great integrity and I am placing my trust in him and his commitment to conduct this inquiry in a fair, non-partisan and quick manner.

With passage of this resolution, we are embarking upon a very important Constitutional exercise that has seldom been used before. This is one of the greatest Constitutional responsibilities that members of Congress face. We must determine whether the conduct of the President rises to the level to justify removal from office and the paralyzation of our country for an extended period of time.

As a former prosecutor, I've placed my faith and trust in the law and the due process of law. We have a process in our Constitution which allow the Judiciary Committee to conduct an inquiry about allegations which may rise to an impeachable offense. I am willing to give the majority party, at this time, the benefit of the doubt that they can conduct this inquiry in a fair, quick and non-partisan manner. I believe that if we are going to have any credible closure to this investigation, it has to happen in a bipartisan manner.

My hope is based on the fact that when we begin this extremely important Constitutional responsibility, all members will make decisions based on what they feel are in the best interests of this country and for future generations rather than short term partisan gain. That is what the American people expect us to do.

The American people will decide the fate of this President, and, ultimately, they will be the judge and jury of the process we are about to embark upon. The authors of the Constitution placed the power of impeachment in the House of Representatives because it is the ''people's House''. Members of Congress must have the support of the public before we take action to overturn a national election.

I support this resolution with the confidence that Chairman HYDE will keep to his promise of conducting a fair, non-partisan and quick inquiry. Not only is the integrity and credibility of the Presidency at stake, but so is the integrity and credibility of the U.S. Congress. In the final analysis, our children and grandchildren will know, years from now, whether we did our Constitution and this great nation proud.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

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

Ms. SLAUGHTER. Mr. Speaker, I object that all Members of the House were not given enough time to speak.

CALL OF THE HOUSE

Mr. HYDE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 496]

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

☐ 1357

The SPEAKER. On this rollcall, 423 Members have recorded their presence by electronic devise, a quorum.

Under the rule, further proceedings under the call are dispensed with.

☐ 1400

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 1½ minutes.

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

Mr. CONYERS. Mr. Speaker, to my Republican friends, sincerely, Gerald Ford has said that we must take the path back to dignity. I want that to weigh on the Members' hearts for this next hour, because more is at stake than the President's fate.

''Moving with dispatch,'' Gerald Ford said, ''the House Judiciary Committee should be able to conclude a preliminary inquiry into possible grounds for impeachment before the end of the year.''

I think that we can do it. Our resolution calls for it. I have talked incessantly in private meetings with the gentleman from Illinois (Chairman HYDE) toward this end, and I hope that all of us will commit ourselves to that goal.

Mr. Speaker, I just want Members to know that in my view, the American people have a deep sense of right and wrong, of fairness and privacy. I believe that the Kenneth W. Starr investigation may have offended those sensibilities. Who are we in the Congress? What is it that we stand for?

Do we want to have prosecutors with unlimited powers, accountable to no one, who will spend a million dollars investigating a person's sex life, is that the precedent we are setting, who then haul them before grand juries, every person that they have known of the opposite sex, every person that they had contact with, and then record and release videos to the public of the grand jury questioning the most private aspects of one's personal life?

Please, I beg the Members not to denigrate this very important process in Article II, Section 4.

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. BARNEY FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, someone inaccurately, well-intended but inaccurately, said the Democrats were agreeing there should be an inquiry. No, let me define what we say. We accept the fact that the statutorily designated Independent Counsel sent us a referral, and we are obligated to look at it.

But what our resolution says is, let us first look at what he has alleged, and assuming that it is true, decide whether or not those things are impeachable. There is a very real question. If we look at the dismissal of the charge that Richard Nixon did not pay his income tax because it was a personal matter, that would suggest some of these are not impeachable.

If we get to the question of lying, in fact, both the Speaker and I have been reprimanded by this House for lying before official proceedings. That has not kept either of us from continuing to do our duty to our best possible. We will have to look at whether or not these are impeachable issues. But the question is, do we look at those, or do we look at a whole lot of other things.

I think my Republican colleagues fear that there is not enough in those accusations to meet the impeachment standard. That is why they refuse and refuse and refuse to limit it, to get into not just a fishing expedition, but the deep sea fishing expedition of Whitewater and the other matters.

Scope affects time. It is because they are holding out the hope that something will turn up after 4 years about Whitewater and the FBI files and the travel office and all of these other accusations that have to date proven to be dry holes for those trying to get Bill Clinton, they want to not limit the time because they need to keep it open.

Here is what that means in terms of time. Under our resolution, which calls for a December 31 deadline, we would begin work right away, on our time. This Congress is about to adjourn, and on our time, which would otherwise be not dealing with the public's business, we are ready to get into it.

Under their resolution, let me make it very clear to the Members, they have no real plans to do anything during October. We have read about that. They are not going to start until after the election. They are not going to start until 2 months after we got Kenneth Starr's report, because they think it will not play out well in the election, so vote for their resolution, and Members will find that the American people's time will be taken up again next year.

We are ready to do it now on our time and get it out of the way. They are asking us to give them a mandate to stretch it out, wait until after the election, and let it dominate next year, to our detriment, just as it has so far.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from California (Mr. ROGAN), a member of the committee.

Mr. ROGAN. Mr. Speaker, first, in entering this debate, I consider it a great personal privilege to be allowed to follow two men for whom I have such profound respect, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. FRANK).

I want to say, as a Republican, that as we begin this procedure, I start with the presumption that the President is deemed innocent of any allegation of wrongdoing unless and until the contrary is shown. Every reasonable inference that can be given to the President must be given to the President.

It is unfortunate that some of today's rhetoric would suggest that this resolution seeks nothing more than to have a carte blanche opportunity for Congress to inquire into the President's personal lifestyle. Nothing could be further from the truth. However, it is our purpose, it is our legal obligation, to review any president's potentially constitutional misconduct within the framework of the Constitution and the rule of law.

When serious and credible allegations have been raised against any president, the Constitution obliges us to determine whether such conduct violated that President's obligation to faithfully execute the law. We must make this determination, or else forever sacrifice our heritage that no person is above the law.

This Congress must decide whether we as a Nation will turn a blind eye to allegations respecting both the subversion of the courts and the search for truth. Mr. Speaker, I fear for my country when conduct such as perjury and obstruction of justice is no longer viewed with opprobrium, but instead is viewed as a sign of legal finesse or personal sophistication.

This House has an obligation to embrace the words of one of our predecessors, Abraham Lincoln, who called on every American lover of liberty not to violate the rule of law nor show toleration for those who do.

Mr. Speaker, there is a difference between knowing the truth and doing the truth. We have an obligation to both, and we have that obligation, despite whatever personal or political discomfort it might bring. For as Justice Holmes once said, ''If justice requires the truth to be known, the difficulty in knowing it is no excuse to try.''

Let our body be faithful to this search, and in doing so, we will be faithful both to our Founders and to our heirs.

Mr. CONYERS. Mr. Speaker, I am proud to yield the balance of our time to the gentleman from Michigan (Mr. Dave Bonior) to close debate on our side.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 3 and three-quarters minutes.

Mr. BONIOR. Mr. Speaker, we gather today to make a serious decision. What the President did is wrong. He should be held accountable. Today we have an obligation to proceed in a manner that is fair, that upholds our constitutional duties, and allows us to get this matter over with so we can get on with the business of the American people.

Unfortunately, the Republican proposal meets none of these standards. It is unfair, it is unlimited, and it prolongs this process indefinitely. Under the Republican plan, Congress will spend the next 2 years mired in hearings, tangled in testimony, and grinding its gears in partisan stalemate. Today is just another example of that partisanship, that unbridled partisanship.

There are 435 Members that serve in this body, more on the floor today than I have seen in a long time, representing each about a half a million people. What has happened in this proceeding today? Two hours of debate, 2 hours, with Members having to go and beg for 20 seconds to talk to their constituency about one of the most important votes they will ever have to cast.

As the Speaker just said a few minutes ago, this is one of the most important debates that we will have. Why are hundreds of Members of this body being denied the opportunity to express themselves? This is a charade of justice. The American people, through this truncated debate, are being railroaded. Today's proceedings are a hit and run.

The Republican leadership's long-term strategy is very, very clear: Drag this thing out week after week, month after month, and yes, year after year, not for the good of the country, but for their own partisan advantage. The Democratic amendment guarantees that any inquiry will be fair, that it will be limited, and that we will complete our work by the end of the year.

Mr. Speaker, the American people already have had all the sordid details they need, more than they ever wanted. Do we really want 2 more years of Monica Lewinsky, 2 more years of Linda Tripp, 2 more years of parents having to mute their TV sets so they can watch the 6 o'clock news? We in this Chamber have the power to stop this daily mudslide into the Nation's living rooms.

If the Republicans spend 2 years dragging this investigation out, when will they deal with education? If they spend 2 years dragging this investigation out, when will they deal with HMO reform? If they spend 2 years dragging this investigation out, when will they strengthen social security?

I urge my colleagues, let us put a limit, a limit on this investigation. Let us end it this year, this year. Let us get back to working for our children and our families and for our communities.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I rise in support of the resolution.

Mr. DELAHUNT. Mr. Speaker, let me first express my affection and respect for my chairman, the Gentleman from Illinois, If Mr. HYDE says he hopes to complete this inquiry by the end of the year, I know he will do all he can to make good on that promise.

But if we adopt this resolution, the chairman's good intentions will not be enough to prevent this inquiry from consuming not only the remainder of this year but most of next year as well.

Nine days ago, I joined with Mr. BERMAN, Mr. GRAHAM and Mr. HUTCHINSON in a bipartisan letter asking Chairman HYDE and our ranking member, Mr. CONYERS, to contact the Independent Counsel—before we begin an inquiry—to ask him whether he plans to send us any additional referrals.

They wrote to Judge Start on October 2, and I wish to inform the House that last night we received his reply. He said, and I quote, ''I can confirm at this time that matters continue to be under active investigation and review by this Office. Consequently, I cannot foreclose the possibility of providing the House of Representatives with additional [referrals].''

There you have it, Mr. Speaker. Despite the fact that both Mr. HYDE and Mr. CONYERS had urged the Independent Counsel to complete his work before transmitting any referral to the House, what he has given us in essentially an interim report.

As the Starr investigation enters its fifth year, we face the prospect that we will begin our inquiry only to receive additional referrals in midstream. Under this open-ended resolution, each subsequent referral will become

part of an ever-expanding ripple of allegations. With no end in sight.

That is not a process, Mr. Speaker. It's a blank check. And I believe it's more than the American people will stand for.

They do not want us traumatizing the country and paralyzing the government for another year when we don't even know whether there is ''probable cause'' to begin an inquiry. And they don't want us abdicating our constitutional responsibility to an unelected prosecutor and accepting his referral on faith.

If we do that—if all a President's adversaries have to do to start an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral—then we will have turned the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future President.

What the people want is a process that is fair. A process that is focused. And a process that will put this sad episode behind us with all deliberate speed.

The Majority resolution does not meet those standards. Our alternative does. It provides for the Judiciary Committee to determine first whether any of the allegations would amount to impeachable offenses if proven. Only if the answer to that question is ''yes'' would we proceed to inquire into whether those allegations are true. The entire process would end by December 31—the target date chosen by Chairman HYDE himself—unless the committee asks for additional time.

Mr. Speaker, that is a fair and responsible way to do our job. It is also the only way to ensure that when that job is done, the American people will embrace our conclusions, whatever they may be.

Mr. POMEROY. Mr. Speaker, as I have indicated repeatedly over the past weeks and months, President Clinton's conduct in having an improper relationship with Monica Lewinsky and not being truthful about it was wrong, plain and simple, and it has left me profoundly disappointed.

I believe the House Judiciary Committee should begin an inquiry into whether the report of Independent Counsel Kenneth Starr on these matters presents facts that warrant impeachment of President Clinton. The debate today in the House is not about whether to proceed with an impeachment inquiry. It is about how to proceed.

Because this is only the third time in our history that Congress has taken the step of initiating an impeachment inquiry against a President, it is vitally important that we proceed in a fair, deliberate and timely manner. We must always remember that our Founding Fathers did not intend the impeachment process to be an exercise in partisan wrangling to be pursued when the legislative and executive branches are controlled by different political parties. Instead, our Constitution establishes impeachment as a solemn and extraordinary removal process triggered only when grounds of ''treason, bribery or other high crimes and misdemeanors'' are established against a President.

It is critical to establish appropriate ground rules for this extremely rare and constitutionally significant proceeding. A proper inquiry must focus squarely on the matters raised by the Starr report, evaluate the constitutional standard for impeachment, weigh the sufficiency of the evidence, and reach a recommendation on the question of impeachment by the end of this year.

As our Nation's history has shown, an ongoing impeachment inquiry is incredibly disruptive to the normal functioning of our government. It is therefore imperative that the process be concluded as quickly as can reasonably be accomplished. North Dakotans and all Americans believe that we must return to the urgent policy matters before us—strengthening the quality of our schools, preserving Social Security, and assisting our family farmers.

The inquiry process advanced by the majority on the House Judiciary Committee is fatally flawed because it lacks focus, a careful process, and a clear end point. While an appropriate inquiry should proceed, a drawn out procedure designed to prolong scandal and achieve political advantage must not. I will vote today against the majority's inquiry resolution and instead to amend the inquiry process so that this very important constitutional proceeding is fair and expeditious, allowing all of us to return to the people's business.

Mrs. KILPATRICK. Mr. Speaker, today I rise to express my trepidation over the potentially ominous precedent that the impending impeachment proceeding may lay out for the annals of our nation's history. In expressing my concern, I cannot ignore the history which has placed this important resolution before this august body. My unease arises because it seems that after years of investigating White Watergate, Travelgate, Filegate and other events, the linchpin of the Independent Counsel's case are charges of perjury which emanate from a private lawsuit funded predominantly by the most conservative, political enemies of the President.

While there is no question that the President's conduct was reprehensible, I take great pause in the facts which have compelled the leader of the free world before the American corpus and bared him virtually raw. I take great pause in what this means to the office of the President and, for that matter, any other leader in American society who chooses public policy contradictory to powerful opponents.

While many here today speak to the ''rule of law'' they neglect another American ideal which frames the rule of law. A bulwark of the American psyche is our embrace of the principle of fairness. It is the spirit of fairness that gave birth to the bedrock principle of American jurisprudence that the punishment must be proportional to the offense. It is with these principles in mind, that I suggest to my dear colleagues, that as we vote today in the people's house, and as this process moves forward, we must use all due deliberation to ensure fairness, and that any punishment meted out fit closely with the President's transgressions.

Now the nation and we here in Congress must turn our attention to whether or not to proceed with an impeachment inquiry. And more importantly, we must focus on how we should proceed with an impeachment inquiry. In reviewing the proposals before Congress today, I state my support for the Democratic Amendment. The Democratic Amendment is focused, fair, expeditious and deliberate. By requiring the consideration of a constitutional standard for impeachment, and a fair comparison of the allegations in the context of the well deliberated standard, the Democratic Amendment will allow the Congress to resolve this terrible blight on our nation's history expeditiously and decisively. The Democratic Amendment sets forth clear goals both for the scope and length of this investigation so as to prevent the further agony of dragging the country through a long and intrusive fishing expedition.

It is my fervent belief that the inappropriate actions of President Clinton do not rise to the standard of high crimes, treason, bribery or misdemeanors envisioned by the Framers of the Constitution. It is my sworn duty to protect the Presidency, and not the President. As such, it is my conclusion and the conclusion of most reasonable American citizens, that the last two elections must not be usurped by Congress. I cannot support a broad-based, infinite inquiry on the alleged actions of the President.

In summation, I will not support the further abuse of taxpayer dollars. I will not support a potentially unending fishing expedition based on facts that are no longer under dispute. I will not support this blatant pillage of the rights of all Americans. I will not support the Republican resolution to begin an impeachment inquiry upon our President. It is time for Members of Congress to stand up and protect our Constitution and reject this onerous precedent.

Mr. NUSSLE. Mr. Speaker, the question before us today is whether to look forward or look away.

After reading the referral Independent Counsel Kenneth Starr presented to the House of Representatives on September 9, 1998, and reviewing the materials made available to us since then, I believe there is enough information to continue on with an inquiry into the impeachment of the President.

Our colleagues on the House Judiciary Committee have already approved this resolution and believe a further investigation into the allegations against the President is appropriate. A vote in favor of this resolution by the full House will enable the House Judiciary Committee to proceed with their Constitutional obligations to conduct this investigation and make the necessary recommendations concerning the impeachment of the President.

I vote in favor of moving the process forward.

Mr. WEYGAND. Mr. Speaker, with a heavy heart and a clear conscience, I rise today to support the resolution commencing an impeachment inquiry into the President of the United States.

Congress and the American people are faced with a dilemma. On one hand, we are aware of admitted wrongdoings by the leader of our nation and on the other hand, we are faced with what I feel is overzealous and partisan conduct of the Independent Counsel. Both are wrong. We cannot and must not compromise our principles because of their lack of principles. We deserve a process which is independent of these two forces, so we can work responsibly on our duties as outlined by the Constitution.

My decision to vote in this manner was reached after self-examination and painstaking reflection on my own deeply held beliefs. This process is not one that I enter, nor should be entered into lightly and hope that we can work to make this inquiry progress smoothly and without partisanship, which has become all too commonplace in the House. Lately, I have been concerned over the overt partisan tone on both sides of the aisle. We cannot continue to view this process through politicians' eyes,

which have the tendency to become jaded by an individual's political beliefs. We cannot be cavalier and must be conscientious. As we continue this process, we must strive to be not only bi-partisan, but non-partisan because the framers of our Constitution and the people of our nation deserve nothing less.

We must remain focused on the true meaning of this action today. This vote is not a vote for impeachment nor does it authorize the removal of the leader of our nation from his post. This step today is taken so Congress can study if the admitted transgressions of the President warrant an official action or indictment by this chamber.

It is my sincere belief that this inquiry is the proper forum in which the House of Representatives can undertake its solemn responsibility of deliberating if any of the President's actions rise to the level of impeachment. I desire nothing more than to have a quick and resolute end to this distressing situation. I believe that ignoring the President's situation will force our nation to endure this pain even longer. I feel an inquiry serves as the best avenue for the President to provide his defense and for Congress to reach the deliberative end for which our nations yearns.

My preference would be to limit this inquiry, by setting a deadline and imposing limits on what the inquiry would cover. These parameters were offered by the Democrats and I support these reasonable efforts. I had hoped the Democratic alternative would be the roadmap that Congress would take for this inquiry. To my dismay, this effort failed. I support the underlying resolution.

As I have said, today's vote is not a vote to impeach the President. In fact, based on the knowledge I have today, I would not support an impeachment of the President. I have serious misgivings about the President's actions and am disappointed with the extremely poor choices he made.

Each session, Members of Congress face a great number of votes. Some of these votes are merely procedural while others are more weighty relating to crucial issues affecting the welfare of our nation. All of these votes, seem to pale in comparison to the vote we cast today. Barring a vote on the declaration of war, I believe this is one of the most important votes we are called to make. I am guided by my strong beliefs and distinct desire to move on with this inquiry and come to a thoughtful, quick and appropriate resolution.

Mr. HASTERT. Mr. Speaker, We stand at a solemn moment in our nation's history. Today, the House votes on a recommendation from the Judiciary Committee to proceed with a fair and judicious inquiry into the charges contained in the report from the Independent Counsel. Like most of the people on Illinois' 14th Congressional District, I am very sad about this whole situation, and I am concerned that the President's actions have harmed not only his own reputation, but the trust and confidence that people have in the Presidency.

We live in a dangerous world. And our economy, while good, is threatened by problems from abroad. In these times, we need leadership that people can trust if our democracy is to work. Confidence in government is built upon trust. Despite all the media hype and sensationalism, I believe the Judiciary Committee must calmly and professionally do its work and uncover the truth, because that is the only way we can put this matter behind us. Sweeping the matter under the rug just won't work but that would be a disservice to the American people. We must stand up for the Constitution and the laws of our land.

Today, I will vote to allow the inquiry to begin so we can move quickly to uncover the truth. Every member of the Judiciary Committee, Republican and Democrat, voted for an investigation; they only disagreed on whether it should be artificially limited. The Committee must be free to follow all of the facts until they find the truth. I prefer not to set an arbitrary deadline because it will encourage those who do not want to get to the truth to run out the clock. Watergate Chairman Peter Rodino understood that, and that's why he rejected a time limit when Republicans sought one during the Watergate Hearings. I am satisfied with Chairman HYDE'S commitment to try and get this matter resolved by the end of the year.

Much as we wish we could just jump to an end result, the Founding Fathers were wise in establishing a balanced and deliberative process. It is the only path to the truth—the lifeblood of our justice system and of our democracy. Today, we begin a process to uphold the rule of law and help the nation heal.

Mr. DELAHUNT. Mr. Speaker, I oppose the resolution of inquiry as reported by the Judiciary Committee. I do so based on the concerns expressed in the Minority's dissenting views, and for the additional reasons set forth below.

I

On September 9, 1998, Independent Counsel Kenneth W. Starr referred information to the House that he alleged may constitute grounds for impeaching the President. In the 30 days that have elapsed since our receipt of that referral, neither the Judiciary Committee nor any other congressional committee has conducted even a preliminary independent review of the allegations it contains.

In the absence of such a review, we have no basis for knowing whether there is sufficient evidence to warrant an inquiry—other than the assertion of the Independent Counsel himself that his information is ''substantial and credible'' and ''may constitute grounds for impeachment.''

I believe that our failure to conduct so much as a cursory examination before launching an impeachment proceeding is an abdication of our responsibility under Article II of the Constitution of the United States. By delegating that responsibility to the Independent Counsel, we sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny. In so doing, we fulfill the prophecy of Justice Scalia, whose dissent in *Morrison* v. *Olson* (487 U.S. 654, 697 (1988)) foretold with uncanny accuracy the situation that confronts us.

II

The danger perceived by Justice Scalia flows from the nature of the prosecutorial function itself. He quoted a famous passage from an address by Justice Jackson, which described the enormous power that comes with ''prosecutorial discretion'':

> What every prosecutor is practically required to do is to select the cases . . . in which the offense is most flagrant, the public harm, the greatest, and the proof the most certain. . . . If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself. Morrison, 487 U.S. 654, 728 (Scalia, J., dissenting), quoting Robert Jackson, The Federal Prosecutor, Address Delivered at the Second Annual Conference of United States Attorneys (April 1, 1940).

The tendency toward prosecutorial abuse is held in check through the mechanism of political accountability. When federal prosecutors overreach, ultimate responsibility rests with the president who appointed them. But the Independent Counsel is subject to no such constraints. He is appointed, not by the president or any other elected official, but by a panel of judges with life tenure. If the judges select a prosecutor who is antagonistic to the administration, ''there is no remedy for that, not even a political one.'' 487 U.S. 654, 730 (Scalia, J., dissenting). Nor is there a political remedy (short of removal for cause) when the Independent Counsel perpetuates an investigation that should be brought to an end:

> What would normally be regarded as a technical violation (there are no rules defining such things), may in his or her small world assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year. 487 U.S. 654, 732 (Scalia, J., dissenting).

Under the Independent Counsel Act, there is no political remedy at any point—unless and until the Independent Counsel refers allegations of impeachable offenses to the House of Representatives under section 595(c) At that point, the statute gives way to the ultimate political remedy: the impeachment power entrusted to the House of Representatives under Article II of the Constitution.

III

Section 595(c) of the Independent Counsel Act provides that:

> An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. 28 U.S.C. 595(c).

The statute is silent as to what the House is to do once it receives this information. But under Article II, it is the House—and not the Independent Counsel—which is charged with the determination of whether and how to conduct an impeachment inquiry. He is not our

agent, and we cannot allow his judgments to be substituted for our own. Nor can we delegate to him our constitutional responsibilities.

Never in our history—until today—has the House sought to proceed with a presidential impeachment inquiry based solely on the raw allegations of a single prosecutor. The dangers of our doing so have been ably described by Judge Bork, who has written that:

> It is time we abandoned the myth of the need for an independent counsel and faced the reality of what that institution has too often become. We must also face another reality. A culture of irresponsibility has grown up around the independent-counsel law. Congress, the press, and regular prosecutors have found it too easy to wait for the appointment of an independent counsel and then to rely upon him *rather than pursue their own constitutional and ethical obligations.* Robert H. Bork, *Poetic Injustice,* National Review, February 23, 1998, at 45, 46 (*emphasis added*)

We must not fall prey to that temptation. For when impeachment is contemplated, the *only* check against overzealous prosecution is the House of Representatives. That is why—whatever the merits of the specific allegations contained in the Starr referral—we cannot simply take them on faith. Before we embark on impeachment proceedings that will further traumatize the nation and distract us from the people's business, we have a duty to determine for ourselves whether there is ''probable cause'' that warrants a full-blown inquiry. And we have not done that.

IV

What will happen if we fail in this duty? We will turn the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

In *Morrison,* Justice Scalia predicted that the Act would lead to encroachments upon the Executive Branch that could destabilize the constitutional separation of powers among the three branches of government. He cited the debilitating effects upon the presidency of a sustained and virtually unlimited investigation, the leverage it would give to the Congress in intergovernmental disputes, and the other negative pressures that would be brought to bear upon the decision making process.

Whether these ill-effects warrant the abolition or modification of the Independent Counsel Act is a matter which the House will consider in due course. For the present, we should at least do nothing to exacerbate the problem. Most of all, we must be sure we do not carry it to its logical conclusion by approving an impeachment inquiry based solely on the Independent Counsel's allegations. If all a president's political adversaries must do to launch an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral, we could do permanent injury to the presidency and our system of government itself.

V

If the House approves this resolution, it will not be the first time in the course of this unfortunate episode that it has abdicated its responsibility to ensure due process and conduct an independent review. It did so when it rushed to release Mr. Starr's narrative within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. It also did so when the committee released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—putting at risk the rights of the accused, jeopardizing future prosecutions, and subverting the grand jury system itself by allowing it to be misused for political purposes.

These actions stand in stark contrast to the process used during the last impeachment inquiry undertaken by the House—the Watergate investigation of 1974. In that year, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal. The Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

Today the Majority makes much of the claim that their resolution adopts the language that was used during the Watergate hearings. While it may be the same language, it is not the same process. Too much damage has been done in the weeks leading up to this vote for the Majority to claim with credibility that it is honoring the Watergate precedent. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, focused and bipartisan process, I am confident that the American people will honor our efforts and embrace our conclusions, whatever they may be.

Mr. THORNBERRY. Mr. Speaker, I support the Resolution before us today. The bottom line question is: Should we investigate the allegations that have been made against the President. As someone has said, ''Do we look further or do we look away.'' To fulfill the oath that each of us took, I believe that we must look further.

Some may try to change the subject by quibbling with the parameters of the inquiry or the lack of a time limit. Those are details—if not excuses—which do not change the fundamental question. The only precedent of modern times, the Watergate inquiry, is being followed.

Others seem to have concluded that even if all of the charges are true, it doesn't matter; they do not constitute an impeachable offense. Those Members are wrong. Perjury, obstruction of justice, abuse of power do matter—by anyone—and especially by the one person charged in the Constitution with executing the laws of the land.

We must fulfill our oath to the Constitution that we have sworn to ''support and defend.'' We cannot stick our heads in the sand and wish this unpleasant duty away. We cannot pass along our responsibility to polls, the media, or the other body. We have to try to do what is right, wherever that may take us, even if some of the facts are distasteful.

But, we must also remember that our response to these facts will help determine what kind of nation we will be in the future. Young people—and even those not so young—are watching. They are learning lessons—lessons about telling the truth, lessons about selfish, reckless behavior, lessons about self-discipline and responsibility. They are watching to see if we really mean what we say, whether actions really do have consequences. We can teach them good, constructive lessons, or we can teach them lessons of another kind.

How we all handle this episode—what we say about it and what we do about it—will affect how much trust people are willing to give their elected representatives and the institutions which have navigated us through more than 200 years of often treacherous waters. Even more importantly, however, how we handle this episode will affect the values and moral character of a whole generation of Americans.

There are important decisions to be made in Washington over the coming weeks, but there are even more important decisions to be made around the kitchen table in every American home. I pray we all make the right decisions.

Mr. RIGGS. Mr. Speaker, this is a historic moment. Only twice before in the history of our great Republic have we stood at the brink of such dramatic action concerning a sitting President. The burden upon us as Members of this House is great, and one that I do not take lightly. I know a majority of our colleagues feel the same way. The eyes of the nation are on us as we perform this duty with the best interests of our democracy at heart.

I rise today to urge bipartisan support of an impeachment inquiry into the very serious allegation of felony criminal conduct by the President of the United States. Our oath of office requires no less.

It has become clear over the last several months that the President lied under oath in the Paula Jones case, lied under oath to the grand jury, and after taking an oath to the nation—an oath in which he swore to uphold the Constitution and faithfully execute the law—he lied to the American people.

Our American government—our systems of laws—is based on truth. We all rely on our leaders to respect and uphold that system. The President of the United States is the chief law enforcement officer in our country, and when the chief law enforcement officer shows utter disregard for the truth and such little respect for the judicial process, it is no less than an assault on the rule of law. Congress cannot stand idly by. We have a prescribed Constitutional duty, as the people's representatives. The founding fathers charged us with the first step in this most solemn process. We do not sit in judgment today. Instead we are here to ensure that the President is held accountable for his actions in order to protect the dignity of the office he holds.

Equality is another principle fundamental to our nation, and one that Americans hold dear. Every person should be equal before the law. If any other American citizen lied in a civil deposition, as the President did—lied to a grand jury, as the President did—or refused to answer grand juror questions without asserting a Fifth Amendment privilege, as the President did—that citizen would be prosecuted, and that citizen would face certain punishment, including possible imprisonment. Should such

offenses be acceptable in a President? The answer is no.

But there are larger issues here than just narrow legal questions of perjury or obstruction of justice, Mr. Speaker. A President does not merely watch over the daily operations of the federal government. He is our leader, using his moral authority to guide our nation. A President has singular power to influence our history, set our agenda, and to send our sons and daughters into harm's way. There is a sacred trust which exists between the President of the United States and the people. When Bill Clinton made the decision to repeatedly lie and mislead the American people, he violated that trust and broke that faith. I believe he can no longer effectively lead our country or perform the duties expected of his office with that trust shattered. Long before we reached the point we are at today, the point of moving forward with an impeachment of the President, I joined many of my colleagues from both sides of the aisle in suggesting that Bill Clinton should do the honorable thing and resign. He could have ended this painful episode at the beginning of this year by telling the truth. But he made the decision to prolong this ordeal and continue to obfuscate, hiding behind veiled lies while parsing legal definitions. Seven months after shaking a finger at the American people and spending millions of taxpayer dollars in his defense, finally he begrudgingly admitted his lies.

Bill Clinton's dependence on strained, anguished legalisms continues to force the American people down the path of impeachment. The choice our President has left us with is clear: We can proceed with our Constitutionally mandated duty and move forward with this impeachment inquiry, or we can knowingly let dishonest, perjurious—possibly felonious—behavior slide in the highest office in our nation.

This resolution is the right course of action for the House to take today. It lays out a procedure that is fair and just, both to the President and to the members of his party here in the House. Now is not the time for partisanship. Some of my colleagues on the other side of the aisle have put forth their own resolution which would force any inquiry into an artificial time constraint, encouraging partisan stalling and bickering. We need to move ahead in a bipartisan, statesmen-like manner in this most grave of responsibilities. Chairman HYDE and the members of his Judiciary Committee have given us the vehicle to do that. I congratulate them on their hard work and evenhandedness. The American people and the Congress have been given unprecedented access to the facts, regardless of their political import, and now we must act on those facts.

It is with a heavy heart and a deep sense of responsibility to my office and to my constituents that I vote in favor of this resolution today.

Ms. ROS-LEHTINEN. Mr. Speaker, with a commitment to the principles of the rule of law which makes this country the beacon of hope throughout the world, I cast my vote in favor of the resolution to undertake an impeachment inquiry of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my trust responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

The impeachment inquiry is necessary to determine the facts surrounding the public conduct of the President, including allegations of lying under oath, obstruction of justice, and conspiracy. The supporting evidence is clearly sufficient to warrant further investigation. Without further investigation, we would be ignoring the charges and clear preliminary evidence without cause or reason. The truth should be our only guide, and only a thorough investigation can produce the truth. Those who seek to avoid a thorough investigation are really seeking to avoid the truth.

These allegations of lying under oath, obstruction of justice, and conspiracy are not about private conduct, but instead about public conduct in our courts of law. Our courts of law and our legal system is the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts is ignored or classified as ''minor'', then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath and obstruction of justice are ancient crimes of great weight because they shield other offenses, blocking the light of truth in human affairs. They are a dagger in the heart of our legal system and our democracy; they cannot and should not be tolerated.

We all know that ''a right without a remedy is not a right''. If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that ''lying about sex in court'' is acceptable or expected, then we have made our sexual harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women.

The Office of the Presidency is due great respect, but the President (whoever may hold the office) is a citizen with the same duty to follow the law as all other citizens. The world marvels that our President is not above the law, and my vote today helps ensure that this rule continues.

Mr. RILEY. Mr. Speaker, I rise in support of House Resolution 581 to begin an inquiry to determine whether to impeach the President. Mr. Speaker this is a historic day in the House. It is also a sad and solemn day. It is with great regret and respect that the House considers this resolution before us today.

Mr. Speaker, I sympathize with the plight of our friends across the aisle. Yes that's right they have my sympathy and my understanding. Twenty-five years ago when the Watergate facts became public, Republicans initially opposed efforts to move forward with impeachment proceedings against President Nixon. It took some time, but after examining the facts and laying aside partisan allegiances, Republicans came forward for the good of the country and joined with House Democrats to support the House proceedings regarding President Nixon and Watergate. That took courage, open mindedness, a sense of duty to the people those Members of Congress represented, and an understanding of the oath of office each one of them, and each one of us, has taken. It was the same oath taken by the President. It was an oath taken with our hands on the Bible and sworn before God.

Today, our colleagues across the aisle face the same issues we Republicans did twenty-five years ago. I think our colleagues are wrong to oppose this resolution and wrong to attack the investigation and findings turned over to the House. But I understand their opposition. I have hope that, in time, after examining all the facts, evidence and allegations regarding President Clinton, they too will, for the good of the country, join us in moving forward with these proceedings to determine whether the President's action warrant removal from office. It is our constitutional duty to move forward today just like it was twenty-five years ago.

For those of my Democrat colleagues who support this resolution I say thank you. I look forward to working in a bipartisan matter to further investigate the charges against President Clinton and recommend a course of action for our colleagues in the other body. For those of my Democrat colleagues who oppose this resolution, I ask them to put aside politics. This issue is too important and too grave to proceed without you. I believe, in time, they too will understand the need to move forward and work together in a true bipartisan matter for the good of our country.

I urge my colleagues, support House Resolution 581. The American people deserve no less, and our responsibilities as Members of Congress preclude us from no less.

Mr. HOYER. Mr. Speaker, today we confront one of our most solemn responsibilities as Members of Congress, that of the question of impeachment of a President of the United States. In doing so, we consider embarking upon a task of the gravest consequence in democracy: the removal of the elected leader of our Nation by other than electoral process. We have considered this course on only two other occasions in the 209 year history of our Constitution and Government. It is plain that we should proceed judiciously and fairly in carrying out this duty.

Today's vote is how we should undertake this task. There are two proposals: The Republican proposal suggests that we authorize the Judiciary Committee to pursue an open ended investigation, consider all things that the Committee majority deems relevant for such time as that inquiry might take.

The Democratic proposal provides for the Judiciary Committee to pursue an analysis of the facts referred by the Independent Counsel and the law and to make such recommendations to the House as it deems appropriate after such review.

I shall vote for the Democratic proposal and against the Republican one. My constituents should know why.

First, I believe the President's conduct and public representations merit the disdain and deep disappointment, and, yes, even anger, of the American people. Having said that, I believe we must act according to the Constitution, the facts, and with a view to the precedents of history and the precedents we will establish for the future.

In many ways the situation that confronts us is unique. This matter comes to us from the Office of Independent Counsel after four and one-half years of extensive investigation, at a cost of over forty million dollars. In addition the House and Senate have themselves spent over ten million dollars and thousands of hours on hearings, depositions, investigation, and consideration of allegations against the President and his administration.

I believe the Republican proposal to undertake additional investigation and hearings is

not only unnecessary and redundant, it is also not in the best interests of our Country. I have stated before that I think this is the conclusion of the American public. Whatever action they favor, I believe they strongly support a prompt resolution so that whatever the outcome we can again focus on a public agenda reflecting the concerns, aspirations, and realities of our people's lives and our Country's in the international community. To do otherwise will jeopardize our future both in the short and long term. We must not continue to mire our public discourse in muck, ridicule, and nationally demeaning debate.

Secondly, I am convinced that we must decide whether the allegations contained in the referral from the Office of Independent Counsel, even if true, constitute impeachable offenses. It is clear that there is disagreement on that question among legal scholars.

The Republican resolution is clearly focused on procedures for further investigation and fact finding rather than a consideration of the information, allegations and conclusions referred by the Independent Counsel. It is difficult for me not to conclude that this is simply intended to prolong this matter for another year or two for political rather than Constitutional reasons. From circus-like delivery of the Counsel's report to the Congress the purpose of which, as quite obviously, to heighten public frenzy and expectation; to the almost immediate release of a salacious report designed, in my opinion, for sensationalism and to add to the debasement of the President, to the subsequent release of volumes of raw material for consumption by the public; to two days consideration weeks before a national election with the gag procedures imposed upon debate of the two alternatives, it is impossible to view these deliberations as either fair or judicious. Such action ill serves our Constitution or our Country. It is, I sadly lament, nevertheless, consistent with the totally partisan tenor of the leadership of this Congress.

The alternative resolution I will support provides that the Judiciary Committee will review the evidence referred to it and either recommend to the House to impeach, to impose such sanctions as it deems warranted or to take no further action. The Committee is directed to do so prior to December 31, 1998—a time frame deemed possible by the Chairman. Furthermore, if the Committee finds that it is unable to accomplish its work in the time frame provided it may ask the House for more time.

Neither this President nor any other can carry out the duties required of him by the Constitution and laws of this Nation while under constant investigation and attack. The American people understand that, which is why they want this matter brought to a close.

Our decisions should not be made based upon poll or plebiscite. But, I am convinced the people are absolutely correct in their judgment that we must conclude this tragic chapter in our Nation's history quickly before it demeans us further and debilitates us more.

Mr. SANDLIN. Mr. Speaker, I rise in support of the Democratic alternative and against the Republican resolution. This is not a vote about whether there will be an inquiry. Rather it is a vote about how it will be done.

Obviously, this is a somber day in our nation's history. Today, we officially embark on a journey that only two Congresses before us have—that of an impeachment inquiry. On a matter of such import it is critical that this body act in a responsible manner, not in a partisan manner. We must rise above politics. It is critical that our vote be dictated by conscience and by the rule of law—not by party.

Even the gentleman from Georgia, Mr. LINDER, seemed to recognize the great harm that we can do by reducing the serious matter of impeachment of a President to mere politics. He stated in an interview last month, ''If all Starr has is what we've seen, I don't think the public is ready for impeachment. I have said all along that one party cannot impeach the other party's president.''

The Constitution grants us an awesome responsibility and I believe our Founding Fathers would be deeply disappointed to know that some among us would turn that responsibility into a political game. Alexander Hamilton fought for a high standard for impeachment of a President. He understood the inherently political nature of allowing such an issue to be decided by a legislative body. In fact, he warned that ''there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.''

In 1974, this body voted 410 to 4 in favor of a resolution similar to that being offered by the Republicans today. That action was clearly a bipartisan decision. According to the report by the Judiciary Committee staff at that time, ''Constitutional Grounds for Presidential Impeachment,'' the action was not ''intended to obstruct or weaken the presidency. It was supported by members firmly committed to the need for a strong presidency and a healthy executive branch of our government.'' We clearly do not have a near unanimous decision today. While I would never question the motives of any of my colleagues, I am concerned that the motives of some in 1998 are not as pure as the motives of this body in 1974.

A review of the debate of our Founding Fathers reveals their concern over the potential for capricious use of the impeachment power. It becomes clear after a review of history that the Founding Fathers intended that an impeachable offense was an offense against the United States. There was a clear difference between public service and private conduct. They did not want Congress to have the unlimited right to decide who is President. They believed that only in the most extreme cases should the Congress undo an election of the American people.

Eight previous Presidents—John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry S. Truman, Richard M. Nixon, Ronald W. Reagan, and George H.W. Bush—have had proposed articles of impeachment filed against them in the House of Representatives. The charges have fallen into two broad categories—behavior considered to be offensive, but not necessarily illegal; and acts that violate statutory or constitutional law. Only one of those presidents was impeached and the second resigned before the House could vote to impeach. In both instances, a clear crime was alleged to have been committed against the State.

After a review of the intent of the framers and of various impeachment resolutions that have been filed, it is clear that, with the possible exception of the charge of ''shameless duplicity, equivocation, and falsehood with his late Cabinet and Congress'' against President Tyler, the charges leveled against President Clinton to date do not come close to any of the charges brought against other Presidents—even those in which no impeachment resolution was given serious consideration. While other impeachment charges have dealt almost exclusively with alleged crimes against the state and therefore interfered with the Presidential duties, the charges against President Clinton allege actions that did not interfere with his Presidential duties.

Because of the nature of the charges against President Clinton, the investigation should be disposed of as quickly as possible. The Democratic resolution lays out specific time frames in order to fully and fairly conduct an inquiry and, if appropriate, to act upon the referral from the Independent Counsel in a manner that ensures the faithful discharge of the constitutional duty of Congress and concludes the inquiry at the earliest possible time.

To date, I believe this matter has significantly disrupted the progress of the Congress. It would be irresponsible for us not to limit the scope of the investigation and the time in which we conduct this investigation. We must get back to the business of the people as soon as possible and stop allowing this matter to paralyze the country. The working families of America need our help and they need it now. We have done nothing to ensure that home health agencies are able to continue their business into next year. There is no managed care reform. There is no legislation to reduce class size and modernize schools. There has been no action on funding the IMF and rescuing the world economy. My constituents did not elect me to participate in endless investigations. They elected me to take care of the business of the people.

Mr. Speaker, we must carefully consider the matter at hand today and ask ourselves, ''How can we best proceed in this matter to prevent the fears of our Founding Fathers from coming true?'' I submit to you that the most responsible course of action is to impose upon ourselves the deadlines provided in the Democratic alternative. Only swift and deliberate action can meet the standards of Hamilton. There should be no reason why we cannot meet these deadlines and return to the business of the people.

Mr. DELAHUNT. Mr. Speaker, the issue before us today is not just the conduct of the President. The overriding issue is how this committee will fulfill its own responsibilities at a moment of extraordinary constitutional significance.

Three weeks ago, the Independent Counsel referred information to Congress that he alleged may constitute grounds for impeaching the President.

But it is not the Independent Counsel who is charged by the Constitution to determine whether to initiate impeachment proceedings. That is our mandate. He is not our agent, and we cannot allow his judgments to be substituted for our own.

I am profoundly disturbed at the thought that this committee would base its determination solely on the Starr referral.

Never before in our history has the House proceeded with a presidential impeachment inquiry premised exclusively on the raw allegations of a single prosecutor. Let alone a prosecutor whose excessive zeal has shaken the confidence of fair-minded Americans in our system of justice.

It is the committee's responsibility to conduct our own preliminary investigation to determine whether the information from the Independent Counsel is sufficient to warrant a full-blown investigation. And we have not done that.

If we abdicate that responsibility, we will turn the Independent Counsel Statute into a political weapon with an automatic trigger—aimed at every future president. And in the process, we will have turned the United States Congress into a rubber stamp.

Just as we did when we rushed to release Mr. Starr's narrative within hours of its receipt, before either this committee or the President's counsel had any opportunity to examine it.

Just as we did when we released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—subverting the grand jury system itself by allowing it to be misused for a political purpose.

Just as we are about to do again: by launching in inquiry when no member of Congress even now, has had sufficient time to read, much less analyze, these materials. Not to mention the 50,000 pages we have not released.

For all I know, there may be grounds for an inquiry. But before the committee authorizes proceedings that will further traumatize the nation and distract us from the people's business, we must satisfy ourselves that there is ''probable cause'' to recommend an inquiry.

That is precisely what the House instructed us to do on September 10. The chairman of the Rules Committee himself anticipated that we might return the following week to seek ''additional procedural or investigative authorities to adequately review this communication.''

Yet the committee never sought those additional authorities. Apparently we had no intention of reviewing the communication.

That is the difference between the two resolutions before us today. The Majority version permits no independent assessment by the committee, and asks us instead to accept the referral purely on faith.

Our alternative ensure that there is a process—one that is orderly, deliberative and expeditious—for determining whether the referral is a sound basis for an inquiry.

The Majority has made much of the claim that their resolution adopts the same process—indeed, the very language—that was used during the Watergate hearings of 24 years ago.

It may be the same language. But it is not the same process.

In 1974, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, as never made public. In fact, nearly a generation later it remains under seal.

It is too late now to claim that we are honoring the Watergate precedent. The damage is done. But is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, bipartisan process, I am confident the American people will embrace our conclusions, whatever they may be.

If the Majority chooses to do otherwise, it certainly has the votes to prevail. Just as the Democratic majority had the votes in 1974. But the Rodino committee recognized the overriding importance of transcending partisanship. And it earned the respect of the American people.

It is our challenge to ensure that history is as kind to the work of this committee.

Mr. POSHARD. Mr. Speaker, the vote today is not a vote for or against impeachment. It is not a vote on whether to proceed with the investigation. It is a vote on how to proceed. It is a vote to determine the parameters of the Judiciary Committee's investigation. The Republican proposal wants an investigation which is open-ended, without time limits and not limited to the Starr report. The Democratic alternative focuses the scope of the inquiry to the matter actually before the House in the referral by Mr. Starr. The independent counsel at this time has leveled very specific charges, and these are the ones that should be investigated. The Democratic resolution would first determine if these charges constitute grounds for impeachment. If that determination is reached, a focused inquiry will follow, and this Congress would then get to vote on the Committee's final recommendation. This is a fair process.

I will make my final decision regarding the President's actions after the deliberations of the Judiciary Committee are finished. I hope my colleagues all do the same. Based on the President's admitted behavior, I have strongly condemned his actions and believe he must experience the consequences of his behavior. Whether those consequences rise to the level of impeachment cannot be determined until the Committee investigation is finished, and I believe the Democratic alternative which I support is the most focused, fair, and expeditious way for the Committee to proceed.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to the Republican resolution calling for further interminable, open-ended, partisan investigation of the President of the United States. My constituents share my outrage at the attacks on President Clinton, and many—more than on any other issue in my eight years in this House—have called, written, and emailed me to share their views on the course Congress should take in this matter.

As many of my colleagues on both sides have said, the duty imposed on the House by allegations of Presidential treason, bribery, or other ''high crimes and misdemeanors'' is very grave. Faced with such allegations, the House must carry out its responsibility in the fairest, most non-partisan manner possible. This is vital to preserving the integrity of a Constitutional process, and we owe it to the President and to the American people.

Having said that, I, and my constituents, believe that this process, based on these allegations, has been unfair and partisan, that the offenses alleged against the President are not impeachable, and that the House Republican leadership should end the investigation and try to do as much of the people's business as is possible in the few days left before Congress adjourns for the year.

On September 11, I voted against immediate release of the Starr report. Basic fairness, like that extended to you, Mr. Speaker during the Ethics Committee investigation into your dealings, would have given the President the chance to review the allegations against him and to respond. After all, the Independent Counsel and his lawyers have spent more than four years and over $40 million focusing all their attention on finding wrongdoing by the President. And the grand jury process, which led to the report, is supposed to present only the prosecutor's version of the facts, not the accused's.

And no-one in Congress reviewed the Starr referral before it was dumped into print and onto the Internet, even though innocent people's reputations were damaged by it, and much of the material was so salacious that our children shouldn't have such easy access to it. Nor was there any apparent reason to release the additional material other than to further humiliate the President.

I believe it would be a bad precedent and a big mistake to remove the President, whom the people elected twice and whose performance in office the people still support, over a private consensual relationship. We must understand, as my constituents clearly do, that liberty and privacy are tightly linked, and that the more we permit intrusion into and exposure of the private lives of our people, even our Presidents, the more we jeopardize our liberty.

I believe the House should not proceed with any further investigation and should instead get on with the unfinished business of America. Therefore, I will vote against both resolutions, and I urge my colleagues to do the same.

Mr. CASTLE. Mr. Speaker, in accordance with the responsibilities placed on Congress by the Constitution, I support House Resolution 581 to authorize the Judiciary Committee to conduct an inquiry to determine whether the actions of the President of the United States require articles of impeachment to be filed against him.

It is a sad and somber moment for the Congress and for the country. No one should take any joy in the fact that Congress must examine these issues. The House Judiciary Committee should now conduct its investigation in a fair and expeditious manner. The President should be afforded every opportunity to address each point in the inquiry. There should be no rush to judgement, but there should also be no effort to delay or obstruct the legitimate examination of evidence and witnesses. I do not support an endless investigation, but a short, artificial time limit would encourage delays in responding to legitimate questions that must be answered.

It is important to emphasize that this is an inquiry. No determination has been made on the fate of the President. We should have an expeditious and open process in effort to complete this unfortunate, but necessary task as quickly as possible. When the inquiry is complete, the House should make a fair determination based on the facts, the law, and on what is in the best interest of our Nation.

Mr. LEVIN. Mr. Speaker, I reiterate my deep dismay at the President's personal conduct and his misleading the American people. We need a process that appropriately punishes the President without unduly punishing our nation. Today's debate is not about whether there will be an impeachment inquiry, but about how the impeachment inquiry should proceed and for how long.

The House should approve an impeachment inquiry today that refers the allegations contained within the Starr Report to the Judiciary

Committee to determine if they constitute impeachable offenses in a manner that assures an early conclusion and is clearly defined as to its scope. The Hyde proposal meets none of these criteria.

I agree with President Gerald Ford who recently wrote that ''the Judiciary Committee should be able to conclude a preliminary inquiry into possible grounds for impeachment before the end of the year.''

The impeachment inquiry we approve today should be focused and clearly defined as to its scope. The Hyde proposal is neither focused nor clearly defined and places no limit on how long the investigation can go on.

I believe the impeachment inquiry proposal that will be offered by Mr. BOUCHER meets appropriate standards and the interests of the American people. The Hyde proposal does not.

Mr. COYNE. Mr. Speaker, I rise today to address the serious business before us—the resolution authorizing the House Judiciary Committee to undertake an impeachment inquiry into the admitted and alleged misdeeds of President Clinton.

We all know that President Clinton did something wrong. He had an affair and he lied about it. He admitted that to the nation in August. I was sorely disappointed by his misbehavior. His actions are to be condemned.

The question that Congress must address in the coming weeks and months, however, is whether his misdeeds merit impeachment. That means that we must sort out what he did, what his intentions were, and whether his actions constituted impeachable conduct.

The first step—and only the first step—in this process was the submission of Independent Counsel Kenneth Starr's referral to Congress last month. The last sections of the referral documents were released to the public last week, and at this point Americans have had enough time to begin to digest the contents of the Independent Counsel's report.

Congress now has the responsibility of weighing the Independent Counsel's charges objectively and determining whether to proceed with the next step in the impeachment process, which consists of an impeachment inquiry by the House Judiciary Committee.

I believe that given the seriousness of the charges, an impeachment inquiry is appropriate. The Starr Report is clearly not objective, but we must remember that it is not supposed to be objective. A grand jury proceeding is supposed to make the most compelling case possible for prosecution. The House should now review the Independent Counsel's referral, allow the President to present his side of the story, and require testimony from any other source that it deems necessary. Consequently, I support legislation authorizing the House Judiciary Committee to undertake an impeachment inquiry.

I am concerned, however, that an open-ended inquiry with the authority to re-visit every allegation made against President Clinton over the last 25 years would be excessive. Many of these charges have been investigated extensively—by Congressional committees, the Justice Department, and the Independent Counsel's office.

Consequently, I will vote today for the Democratic alternative to this resolution, which would authorize an impeachment inquiry but limit its scope to the Independent Counsel's referral. If, as I suspect, that alternative is rejected, I will vote against the resolution. I want to make clear, however, that I support an inquiry. I will vote against the resolution because I believe that an inquiry should focus on the charges set forth in the Independent Counsel's referral. It shouldn't be an open-ended, partisan fishing expedition.

Impeachment of a president is one of the most serious actions that the House of Representatives can take. I know that my colleagues all appreciate the gravity of what we are about to do. I urge my colleagues to act with the country's long-term interests in mind. Thank you.

Mr. BALLENGER. Mr. Speaker, today I rise in support of H. Res. 581, a resolution to open an inquiry by the House Judiciary Committee to determine whether substantial evidence exists to recommend the impeachment of the President of the United States.

When taking his oath of office, President Clinton vowed to ''preserve, protect, and defend the Constitution of the United States.'' Independent Counsel Kenneth Starr's report outlines eleven potentially impeachable offenses against President Clinton suggesting he did not honor his oath. An investigation into these allegations is necessary to determine if there is substantial evidence to prove that President Clinton did, in fact, commit these crimes and to determine if these offenses warrant impeachment. Contrary to some opinions, this impeachment inquiry is not an attempt to disgrace the President but an honest effort to discover the truth.

I endorse this impeachment inquiry by the Judiciary Committee. Like all Americans, I hope it can proceed fairly and conclude expeditiously. Just as Clinton took an oath of office when being sworn in as President of the United States, I also took an oath of office as a Member of Congress to uphold the laws of the land. For that reason, I support H. Res. 581—a vote for truth and justice.

Mr. PASCRELL, of New Jersey. Mr. Speaker, today, I cast my vote for the proposal offered by Representative RICK BOUCHER for an impeachment inquiry. I firmly believe that this is the best course of action for our country. The Hyde proposal, in an effort to advance a political agenda, would allow this inquiry to go on indefinitely. But the American people deserve to have closure on this matter as soon as possible.

Alexander Hamilton, over 200 years ago, warned our great nation of the divisive nature of unfair inquiries. Our proposal would allow us to uphold our Constitutional responsibilities, namely to determine whether these charges made against the President are true and if true, they mandate the President's impeachment.

We have a duty to our constituents to get back to work on the many issues that affect our nation's families. That is why I, and everyone in this room, was sent here in the first place. The deadline our proposal imposes would grant ample time to review the Starr Report, make these difficult decisions, and refocus our energies on other vital matters. My fear of the Hyde proposal is based solely on its open ended nature and the financial toll another lengthy investigation will place upon us.

Make no mistake, I think the President's admitted behavior is indefensible and that this matter has done great harm to our country and the office of the President. But, we need to move on and bring closure to this issue. I will not allow the House Leadership to bring down the institution in which I so proudly serve. And I will do my best to insure that the decisions made best serve our Constitution and our nation. No individual and no party is privy to virtue.''

Mr. BOUCHER. Mr. Speaker, at the conclusion of this debate, I will offer a motion to recommit the resolution offered by the gentleman from Illinois to the Committee on the Judiciary with the instruction that the Committee immediately report to the House the resolution in the form of our Democratic alternative.

While we would have preferred that Democrats have a normal opportunity to present our resolution as a amendment, the procedure being used by the House today does not make a Democratic amendment in order. The motion to recommit with instructions, however, offers an opportunity for adoption by the House of our alternative.

The Democratic amendment is a resolution for a full and complete review by the Judiciary Committee of the material referred to the House by the Office of the Independent Counsel. The Republican resolution also provides for that review. The difference between the Democratic and Republican alternatives is only over the scope of the review, the time that the review will take, and the requirement in our Democratic alternative that there be a recognition of the historical Constitutional standard for impeachment.

The public interest requires that a fair and deliberate inquiry occur. Our resolution would assure that it does.

But the public interest also requires an appropriate boundary on the scope of the inquiry. It should not become an invitation for a free ranging fishing expedition, subjecting to a formal impeachment inquiry matters that are not before the Congress today. The potential for such a venture should be strictly limited by the resolution of inquiry. Our proposal contains those appropriate limits. It would subject to the inquiry the material presented to us by the Office of the Independent Counsel which is the only material before us at the present time.

The public interest also requires that the matter be brought to conclusion at the earliest possible time that is consistent with a complete and through review.

The country has already undergone substantial trauma. If the Committee carries its work beyond the time reasonably needed for a complete resolution of the matter now before us the injury to the nation will only deepen.

We should be thorough, but we should be prompt. Given that the facts of this matter are generally well known, and given that there are only a handful of witnesses whose testimony is relevant, all of whom have already undergone grand jury scrutiny, there is no reason to prolong the Committee's work into next year. A careful and thorough review can be accomplished between now and the end of this year. Our resolution so provides.

Our resolution requires that the Committee hold hearings on the Constitutional standard for impeachment which has evolved over two centuries and which was recognized most recently by the Committee and by the House in 1974.

Our substitute then directs the Committee to compare the facts stated in the referral to the Constitutional standard and determine which if any of them rise to the standard.

Any of the facts stated in the referral which pass that initial test would then become the subject of a formal inquiry and investigation following which the Committee could reach its conclusion. It could recommend articles of impeachment, alternative sanctions or a no action option.

Under our resolution the committee will begin its work on October 12 and conclude all proceedings, including the consideration of recommendations in December. The House could then complete its consideration of any recommendations the Committee may make by the last week in December.

This approach is fair. It's in the public interest, and it is what the American public expects.

It gives deference to the Constitutional standard for impeachment recognized by the House in its 1974 report. It offers ample time to consider carefully, any of the allegations which rise to the Constitutional standard.

It assures that the entire matter will be resolved promptly and that the Nation is not distracted by a prolonged inquiry which is clearly not justified by the material presented in the referral.

It presents a framework that will enable the Committee and the House of Representatives to discharge their Constitutional obligations in a manner which is both thorough and expeditious.

I urge approval of the Democratic plan as rules of proceeding which are well tailored to the challenge before us.

Mrs. MORELLA. Mr. Speaker, today is a sad day for our country. I take no pleasure in today's proceedings, or the events which have brought us to this point. I have been entrusted by the people of my district to exercise my judgment in this matter, and I take seriously their confidence in me to use my best judgment and to carry out my Constitutional responsibilities in a somber and thoughtful manner.

We are a nation of law. In conformity with our Constitutional obligation to oversee the Executive Branch of government, Congress passed an independent counsel law, which was signed by President Clinton. The independent counsel appointed pursuant to that law to investigate allegations of illegal conduct within the Executive Branch has, pursuant to that law, forwarded to the Judiciary Committee his report detailing possible impeachable offenses committee by President Clinton.

In forwarding to the full House a resolution regarding an inquiry of impeachment, all members of the Judiciary Committee voted for an inquiry; they differed only on the inquiry's time and scope. Regardless of whichever resolution we pass today, the authorization to conduct an inquiry will expire at the end of this Congress.

Some have suggested that we simply censure President Clinton for his conduct and move on. However, there is no Constitutional provision for censuring a president, and we do not have a censure resolution before us today. While some have pointed to former President Ford's suggestion that the President be censure, they fail to take note of his view that such a censure would follow a presumptive finding by a Judiciary Committee inquiry that the President has not committed impeachable offenses.

We must follow the course set out in the law and the Constitution. It is our duty and responsibility to determine through an inquiry whether or not impeachable offenses were committed. I have every expectation that the House will conduct this inquiry as expeditiously as possible so that the country may achieve closure and move on.

Mr. STARK. Mr. Speaker, today the House considers whether the information sent to the Congress for consideration in the Independent Counsel Report warrants the start of an impeachment inquiry by the House.

The President has admitted that he had an extramarital affair and then lied about it. No one disputes that fact. The President's conduct, while reprehensible, was a betrayal of his vows to his wife but not his oath of office. His actions were personal in nature. If his lies to cover up his conduct amount to perjury, he can and should be held accountable through our judicial system.

Our founding fathers had something quite different in mind when they drafted the Constitutional language on impeachment, a political remedy for tyrannical acts. The Federalist papers shed some light on that. George Mason said that the phrase ''high crimes and misdemeanors'' refer to presidential actions that are great and dangerous offenses or attempts to subvert the government. Alexander Hamilton, in the Federalist paper 65, wrote that impeachable offenses relate chiefly to injustices done immediately to society. Ben Franklin spoke of impeachment as an alternative to assassination.

When this House voted to proceed with an inquiry to impeach President Nixon in 1974, the offenses in the impeachment resolution contained serious abuses of official power: President Nixon used government agencies to carry out his personal and political vendettas against citizens. Not included in the list of impeachable offenses for President Nixon was his deliberate backdating of a tax document and his false filing under oath of IRS returns by which he sought to fabricate a huge, tax deduction. That conduct was felonious but determined not to be an impeachable offense in 1974 because it did not threaten our form of government; it was personal, reprehensible conduct.

I will cast my vote against the Hyde resolution. It leads us into an impeachment inquiry without focus or time limitation.

I will support the Democratic motion to recommit because we need to resolve the issue of impeachment this year and then move on with the business of governing. We have serious work to do to resolve the solvency of the Social Security and the Medicare trust funds; we have children in need of heath care and quality child care; our schools are overcrowed. The needs of real people will not be addressed until we bring closure of this issue.

Mrs. WILSON. Mr. Speaker, I am the junior member of this House. The one who, arguably, comes to this decision with the cleanest slate, the least experience, and a perspective formed largely outside of these halls.

This morning, as we began our business, every member of this body gathered, faced the flag and repeated the same pledge that school children from Long Island to Los Angeles, from Seattle to Saratoga recited this morning. ''I pledge allegiance * * *'' With our hands over our hearts, we told the country and each other than we are one nation, under God, with liberty and justice for all. Liberty and justice for all.

The meaning of justice in a free society governed by a constitution is what has been on my mind in the last weeks. I have read the Independent Counsel's report and much of the supporting information which he has transmitted to us. Like my colleagues from both parties on the Judiciary Committee, I have come to the conclusion that we have been presented with substantial and credible evidence concerning the President of the United States that may constitute grounds for impeachment. We must do our duty and fully and fairly investigate these matters.

I have reached this conclusion with a profound sense of sadness. America is a great nation, and we are not less great because we are governed by fallible men and women. Indeed, our founding fathers knew well our failings, and led us to rely not upon the rule of men, but upon the rule of law. That is what is at stake here today—equal justice under the law.

I am reminded of the symbol of justice in America. Justice holding the scales is not blind because she looks away or because she will not see. Justice is blind so that every citizen, regardless of race or creed or station in life, will be treated equally under the law. That includes the President of the United States. It is a powerful symbol. And today, it is one we must live up to.

We are not called upon today to vote on articles of impeachment. We are only voting on whether to proceed, or to look away.

We are a nation ruled by laws. It is up to us to keep it that way.

Mr. SMITH of Michigan. Mr. Speaker, I favor further inquiry by the Judiciary Committee. The issue before us today is straightforward: Do the allegations of possible impeachable offense merit further investigation? Anyone who answers ''no'' and asserts that there should be no further review has a very high burden to meet. I think that the Judiciary Committee's careful, fair and expeditious review of all of the facts in light of the relevant law is precisely the Constitutional duty required of us by our oath of office. I also think that such a review is the duty we owe the American people.

Congress has received substantial and credible evidence that the President of the United States repeatedly violated the criminal laws of this country. I believe it would be a dereliction of duty of the highest order for us to decide today that no further review is needed. After meeting with Chairman HYDE, I am convinced that we will move forward fairly, quickly and in a bipartisan manner. I am also troubled by reports that the White House is pressuring Democrats to vote against this inquiry.

My office has received over a thousand calls and letters in the past month on this scandal. Additionally, my web page also gives constituents an opportunity to express their views. Eighty percent of the people who have contacted me have urged me to move forward with this investigation.

Despite much of the rhetoric, today's final vote only answers one question: Should we investigate the allegations or forget it? Those who vote against the resolution are, in fact, saying that we should just ignore all the allegations against the President and have no further inquiry.

I have not decided whether President Clinton has technically committed impeachable offenses. However, I have called for President Clinton's resignation. Whether his actions rise to the level of 'high Crimes and Misdemeanors' is still to be determined. The point is that

we need to investigate the actions of the President and we need to get this situation behind us as quickly as possible, hopefully by the end of the year.

Today's vote marks only the third time in American history that the House has opened an inquiry into possible impeachment of a President. It is a serious vote for all of us, possibly one of the most important votes I will take. I have made the decision to vote yes because I truly believe to do otherwise would not be in the best interest of our country's future.

Mr. FRANK of Massachusetts. Mr. Speaker, our former colleague from Oklahoma, Mickey Edwards, has gone from service in the House of Representatives to a very distinguished career teaching at the Kennedy School of Government at Harvard. He has combined this with a role as a thoughtful commentator on public affairs. Mr. Edwards is as those who served with him know a very thoughtful conservative, and I disagree with him on many policy issues. Indeed, I disagree with his assessment of the policy impact of the Clinton administration, in foreign policy and elsewhere, which is included in this article. But on the whole it seems to me an extremely thoughtful essay that sheds a good deal of light on the difficult task we face in the coming weeks and months in dealing with the Independent Counsel's investigation of the President.

Both because of the thoughtful nature of this work, and because of Mr. Edwards credentials as one of the most intellectually honest of our political commentators, I ask this his thoughtful essay from the Boston Herald be printed here.

STARR ELECTS TO TOPPLE 1996 ELECTION

This is what we know:

First, that the president has committed adultery and is accused of lying about it before a grand jury. Second, and even more disturbing, we know that we now have in the United States a prosecutor to whom our civil liberties are an inconvenience.

As a conservative, I have dedicated my adult life to opposing the spread of statist power. I have feared, and fought against, the intrusions of Big Brother into the private lives of American citizens. That is why I am disturbed by Bill Clinton but frightened by Kenneth Starr.

Here is the situation: The Constitution grants to the people, through their representatives, the power to remove a president who is guilty of criminal behavior. It is a discretionary power; it has been delegated to a political branch of government and the decision is intended to be based on political as well as legal considerations.

Bill Clinton has twice been elected president. Many of the facts we know about his patterns of behavior were known before the people placed him in office. Perhaps citizens have learned more about the president's tendencies, about his behavior, but if there is any surprise it is about the extent of that behavior, not about its existence.

Because we know all this, the questions that matter most are not whether we should be appalled by the behavior of this president, but about how reluctant we should be to overturn the results of an election, and, second, the extent to which we should sanction the activities of an extra-constitutional inquisitor whose activities threaten not merely our sensibilities but our civil liberties as well.

I am not among the president's defenders. For his indiscretions and lies, he alone is responsible. Even had his activities been less unsavory, he would still be judged by history to be a president of modest accomplishment. His ineptitude in foreign policy alone would doom him to the ranks of mediocrity. But—this is a big distinction—even though I might wish Mr. Clinton had never been elected, he was; he defeated a sitting president and a prominent senator. His election was not a fluke; it was a decision.

Prudence dictates caution in removing from office a man or woman whom the people have placed there. A president's activities may be so heinous that he must be removed at any cost, but in a democratic society, the overturning of an election must rest on more than shocked sensibility. What Mr. Clinton has lied about is an adulterous affair. If he is found to have lied to the grand jury, his actions may be oath reprehensible and illegal. But there is a question of context: what he lied about was whether he carried on a consensual sexual relationship. It may be enough to make one gap; it is not enough to overturn the will of the people that he should be the president.

This brings us to a more serious matter. When Richard Nixon was our president, a Democratic Congress, asserting that a Republican Justice Department could not be trusted to act in the public interest, circumvented the existing governmental structure by creating a special prosecutor (the title is ''independent counsel,'' but as Kenneth Starr has demonstrated, it is an office with the power to function in a disturbingly aggressive manner).

We should all be concerned about the danger inherent in giving the state the ability to trample underfoot the rights of a citizen on behalf of some presumed ''greater good.'' There are ''greater goods,'' those common national interests that sometimes transcend narrower individual interests, but even in the pursuit of such common interests the civil rights of citizens must be preserved.

Kenneth Starr has no such sensibility. He began with a mandate to consider such matters as the possible misuse of secret FBI files, but from that starting point, he ended up in Bill Clinton's bedroom (or, in this case, his Oval Office). He intimidated witnesses. He looked into what books his witnesses read and what movies they watched. He subjected the public to the kind of voyeurism he has publicly criticized. (If he felt the need to illustrate what Mr. Clinton and Monica Lewinsky did, to prove that Mr. Clinton had lied, one example would have been sufficient; even that would not have been necessary if one assumes members of Congress can decide for themselves what does, and does not, constitute ''sex.'')

Bill Clinton may be an embarrassment, but the Congress should not overturn a national election simply because a president lied about matters about which he should have never been questioned. And whatever Mr. Clinton's flaws, the real danger here is not Mr. Clinton's flaws, the real danger here is not Mr. Clinton's immaturity but Mr. Starr's casual disregard for those considerations which protect the citizen against the excessive intrusions of the state.

Mr. HALL of Ohio. Mr. Speaker, this is only the third time since the founding of our Nation that the House of Representatives has seriously considered impeaching the President of the United States. Consequently, I have deliberated extensively over the upcoming vote. Having reached a decision, there is little doubt in my mind that the Judiciary Committee of the House of Representatives should conduct a limited, clearly defined inquiry into whether President Bill Clinton should be impeached. The alternative, a broad-based impeachment investigation with no time limits is unnecessary, unwarranted, and potentially harmful to our Nation.

Removing the President from office would invalidate the election of Bill Clinton by the American people. The standard for impeachment must be set high for Congress to revoke decisions made by the people at the ballot box. The authority to impeach is an awesome power which, if misused, threatens the foundation of American democracy.

There is probably no individual in history who has been investigated more than President Clinton. Independent Counsel Kenneth Starr and his predecessor have taken more than four years, spent almost $45 million, and employed 60 attorneys, investigators, and other staff to examine President Clinton's activities for evidence of wrongdoing. In addition, more than half a dozen House and Senate committees have investigated potential abuses by President Clinton and the First Lady—including many of the same subjects the Independent Counsel investigated—at additional expense to taxpayers.

I have read the report by Independent Counsel Starr and seen some of the evidence produced by the other investigations. I have strong doubts that they justify impeaching the President, or starting a new, lengthy investigation. The U.S. Constitution permits the Congress to remove the President upon conviction of ''treason, bribery, or other high crimes and misdemeanors.'' President Clinton's actions are unbecoming to the office of the President and thoroughly offensive to the American people and to me. But they are not impeachable offenses.

The impeachment process is filled with potential dangers for America. With the near-collapse of the economies of Russia and several Asian countries, the world is on the verge of an international economic crisis. Military action may be necessary to stem the genocide in Kosovo. The threat of terrorism against U.S. citizens and interests abroad has never been greater. The impeachment process will weaken the President and hurt our Nation's ability to deal with international problems. Our military and economic risk increases the longer it drags on.

A long impeachment process will further distract the attention of Congress from more important issues, such as health care, education, tax reform, protecting Social Security, and reducing hunger and poverty. We should be dealing with these problems, not conducting endless investigations. An open-ended inquiry could cost millions of dollars—money which could be spent more productively. We are becoming a government that sees as its principal mission the investigation of its officers and citizens. Such a government does not serve the people.

Our task is to make the best decision—one that will bring the President to justice and spare the American people from further pain. This vote is not about whether President Clinton will be punished. I believe the President should be punished for his misconduct. We must send a clear and unambiguous signal that this type of behavior is not acceptable. But let's not punish the entire Nation by going forward with an unlimited investigation. If, after a limited investigation, new and unexpected impeachable offenses are discovered, then that avenue should be pursued vigorously. But if that does not happen, the House should consider the recent suggestion of former President Gerald Ford that we publicly rebuke President Clinton. More than any other living

American, Mr. Ford knows the pain and public divisiveness an impeachment process imposes on our country and its citizens.

If we vote for an unlimited investigation, when will it end? We have the assurance of well-meaning House leaders that it can be wrapped up by the end of the year. But if that is the goal, why not put it in this resolution? The Judiciary Committee took five months to write articles of impeachment against former President Nixon. The case against President Clinton, which already has become more partisan and controversial, probably will take longer. If we proceed with an unlimited investigation, we are likely to see our newspapers and airwaves filled with still more stories about Monica Lewinsky, Whitewater, and alleged White House scandals from now until the end of the 106th Congress in the year 2001.

I recognize that my own constituents are deeply divided on this issue. Daily I have been receiving thoughtful and passionate telephone calls, letters, and e-mails from residents of Dayton and Montgomery County, Ohio, which I am privileged to represent. After listening to both sides, I have concluded that another investigation by the House of Representatives is not warranted by the evidence, nor is it likely to find anything that has been missed already by investigators. An open-ended inquiry will just be a waste of taxpayers' money and a drain on the Nation. Therefore, I will not vote for another endless round of hearings, depositions, and testimony that serve no purpose.

The alternative I support calls for the Judiciary Committee to begin an impeachment investigation that will finish no later than December 31, 1998, and will be confined in scope to the charges forwarded to the House by the Independent Counsel. This approach does not rule out additional investigations if new, credible information is presented by the Independent Counsel or any other source.

President Clinton has shamed himself and the office of the President, a blot that will stain his record in history. The question is now whether we will shame the House of Representatives by letting this trauma linger on endlessly and drag our Nation down.

Mr. Speaker, this vote is really about setting limits. The Independent Counsel has conducted an unlimited investigation with unlimited time and money. The House of Representatives has given virtually unlimited public access to the documents and evidence he produced. Now, the House is about to authorize another unlimited investigation. I'm willing to say there should be limits. We as a Congress and a Nation have too many other important things to do. It is time for members of the House to put some limits on this process and get on with fulfilling the many other responsibilities we have to the American people.

Mr. DELAHUNT. Mr. Speaker, on September 18, 1998, the House Judiciary Committee voted to release to the public several volumes of supporting material received from the Independent Counsel nine days ago, including grand jury transcripts and the President's videotaped testimony.

In my judgment, the headlong rush to publicize secret grand jury testimony not only endangers the rights of the individuals involved in this particular case, but also undermines the integrity of one of the cornerstones of our system of justice—the grand jury system itself.

Unfortunately, the readiness of the majority to ignore these perils also calls into question the fundamental fairness of our own proceedings.

THE PACE ACCELERATES

On September 9, Independent Counsel Kenneth Starr sent the House of Representatives a 445-page report, together with some 2,000 pages of supporting materials, telephone records, videotaped testimony and other sensitive material, as well as 17 boxes of other information.

Within 48 hours, the House had voted to release the report and give the Judiciary Committee until September 28 to decide whether any of the remaining material should be kept confidential. While I agreed that we should release the report, I opposed our doing so before either the President's attorneys or members of the Committee had been given even a minimal opportunity to review it.

That vote was seven days ago. Since then, the breakneck pace has only accelerated. Today, we were asked to vote—10 days ahead of schedule—on whether to release what may well be the most sensitive materials of all—the grand jury transcripts, together with the videotape of the President's testimony.

Those of us who serve on the Committee had been doing our best to review these materials so that we would be in a position to evaluate whether or not they ought to be released. I cannot speak for other members, but I have been as diligent as possible, and had managed by this morning to get through—at most—some 30 percent of this material.

How can anyone make a considered judgment under such circumstances? How can we properly weigh the benefits of immediate disclosure against the harm it might cause? I have done my utmost not to prejudge the outcome of this investigation. I am prepared to follow the facts wherever they lead. But if the American people are to accept the eventual result of our deliberations, they must be satisfied that our proceedings have been thorough, disciplined, methodical and fair.

I seriously doubt that an objective observer looking back on these past nine days could characterize our proceedings in that manner. The process continues to careen forward—without a roadmap—a dizzying pace.

FUNDAMENTAL FAIRNESS

One portion of the Independent Counsel's report that I made sure to read—not once, but twice—was Mr. Starr's transmittal letter, which cautioned that these supporting materials contain ''confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure'' (the rule that provides for the secrecy of grand jury records).

The implication of that warning is that the public disclosure of protected grand jury material could do serious and irrevocable harm—not only to the President, but to the many other individuals caught up in the vast web of the Starr investigation, including innocent third-parties, witnesses, and other potential targets of ongoing (and future) investigations.

In the United States, those accused of criminal wrongdoing are presumed innocent—be they presidents or ordinary citizens. Yet if raw, unproven allegations are disclosed to the public before they can be challenged, the ''presumption of innocence'' loses all meaning. Minds are made up, judgments rendered, and the chance for a fair determination of the facts is lost.

That is one reason why federal grand jury testimony—whether in printed or in audio-visual form—is explicitly shielded from public disclosure under Rule 6(e).

But grand jury secrecy also serves the interests of the prosecution, by encouraging witnesses to come forward and ensuring that prejudicial material will not poison the jury pool and make it impossible to hold a fair trial. This is especially important when the targets and potential targets of an investigation are public figures.

The pre-indictment release of secret testimony compromises both objectives—trampling on the rights of the accused and jeopardizing subsequent indictments. Beyond this, it calls into serious question the fairness and integrity of the grand jury system itself.

''LAUNDERING'' THE EVIDENCE

Through its action today, the Judiciary Committee has engaged in an abuse of the grand jury process that has enabled it to accomplish indirectly what the Independent Counsel was prohibited from doing directly.

The Independent Counsel has developed his case by using the grand jury to compel testimony from various witnesses. Although the grand jury voted to subpoena the President, the videotaped testimony was ultimately obtained under a negotiated agreement, under which the Independent Counsel agreed to treat the testimony as secret grand jury proceedings pursuant to Rule 6(e). It was solely on this basis that the President consented to testify.

The Independent Counsel subsequently receive permission from the court to release the videotape, together with the other grand jury material, to the Congress. But the court order did not authorize its further release to the public or the press.

By releasing that testimony to the public, we are—in effect—laundering the evidence so as to nullify the express agreement under which it was obtained. This is an abuse of the grand jury that can only damage the public's faith in that institution and impair its ability to perform its essential role.

And what are the benefits that justify these evils? We are told only that the public has a ''right to know''—an interest in the case that entitle sit to the information. Some have even suggested that that interest is a financial one—that the public ''paid'' for this material and is entitled to it.

To this, one can only respond that the public pays for the grand jury testimony in every case. The public has an interest in every case—especially where the case involves high officials or other celebrities. We accommodate that interest by requiring that trials be held in open court. But the public is no more entitled to secret grand jury testimony than it is to classified intelligence. Not even when the case is concluded, let alone while it is still going on.

In an ordinary criminal trial, grand jury testimony is disclosed under Rule 6(e) only under certain specific circumstances. For example, criminal defendants are entitled to see grand jury proceedings in order to cross-examine witnesses or challenge their credibility on the basis of prior inconsistent statements.

On the other hand, the public release of material of this nature would violate not only Rule 6(e), but Department of Justice guidelines, court precedents and ethical rules binding on prosecutors in every jurisdiction in this country. A party found to have disclosed the material would be subject to sanctions, and the material itself would be excludable in court. The

court might even grant a defendant's motion to dismiss the case for prejudice.

LOOKING TO PRECEDENT

This is certainly not an ordinary case. But neither is it so exceptional as to justify our riding roughshod over precedent and due process.

In the one historical precedent that is closest to the present situation, due process was scrupulously observed. Twenty-four years ago, a Republican president was under investigation by a Democratic House.

The Judiciary Committee spent seven weeks in closed session, reviewing judge Sirica's grand jury materials prior to their release. President Nixon's lawyers were permitted not only to participate in these sessions, but to cross-examine witnesses before their testimony was made public.

While there are obviously major differences between the current controversy and the Watergate affair, President Clinton is entitled to the same due process protections afforded President Nixon in the course of that investigation.

In fact, the case for preserving the confidentiality of the evidence is even stronger here than it was in the Watergate case. Mr. Starr's grant jury has made no findings whatsoever with respect to the evidence. The material we have consists merely of selected portions of what the persecutor put before the grand jury, together with his interpretation of that material. The jurors were never asked whether they thought that the video tape—or any other testimony—provided credible evidence of perjury or other wrongdoing. Having used the grant jury as a tool to gather information, the Independent Counsel bypassed it as a fact-finding body.

That is his prerogative. But the Judiciary Committee has a duty to see that the material provided to us is handled appropriately. If we act carelessly, and in haste, we will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.

Mr. SOLOMON. Mr. Speaker I would like to enter into the record a General Accounting Office report: Executive Office of the President, Procedures for Acquiring Access and to and Safeguarding Intelligence Information

This report is a significant and impressive audit performed by the National Security and International Affairs Division of the GAO. It builds on the work previously requested by Chairman Goss and will be the foundation for further oversight by the Permanent Select Committee on Intelligence.

The President's stewardship in protecting the National Security of the United States of America is his highest responsibility. There is no higher calling. I believe that this report raises significant questions that should be addressed.

GAO REPORT TO THE CHAIRMAN, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES

EXECUTIVE OFFICE OF THE PRESIDENT—PROCEDURES FOR ACQUIRING ACCESS TO AND SAFEGUARDING INTELLIGENCE INFORMATION

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, September 30, 1998.

Hon. GERALD B. H. SOLOMON,
Chairman, Committee on Rules, House of Representatives.

DEAR MR. CHAIRMAN: This report responds to your request of November 6, 1997, asking us to determine whether the Executive Office of the President (EOP) has established procedures for (1) acquiring personnel access to classified intelligence information, specifically Sensitive Compartmented Information (SCI), and (2) safeguarding such information. You asked that our review include the following offices for which the EOP Security Office provides security support: White House Office, Office of Policy Development, Office of the Vice President, National Security Council, President's Foreign Intelligence Advisory Board, Office of Science and Technology Policy, Office of the United States Trade Representative, Office of National Drug Control Policy, and Office of Administration.

BACKGROUND

SCI refers to classified information concerning or derived from intelligence sources, methods, or analytical processes requiring exclusive handling within formal access control established by the Director of Central Intelligence. The Central Intelligence Agency (CIA) is responsible for adjudicating and granting all EOP requests for SCI access. According to the EOP Security Office, between January 1993 and May 1998, the CIA granted about 840 EOP employees access to SCI.

Executive Order 12958, Classified National Security Information, prescribes a uniform system for classifying, safeguarding, and declassifying national security information and requires agency heads to promulgate procedures to ensure that the policies established by the order are properly implemented, ensure that classified material is properly safeguarded, and establish and maintain a security self-inspection program of their classified activities.

The order also gives the Director, Information Security Oversight Office (an organization under the National Archives and Records Administration), the authority to conduct on-site security inspections of EOP's and other executive branch agencies' classified programs. Office of Management and Budget Circular Number A–123, Management Accountability and Control, emphasizes the importance of having clearly documented and readily available procedures as a means to ensure that programs achieve their intended results.

Director of Central Intelligence Directive 1/14, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information, lays out the governmentwide eligibility standards and procedures for access to SCI by all U.S. citizens, including government civilian and military personnel, contractors, and employees of contractors. The directive requires (1) the employing agency to determine that the individual has a need to know;[1] (2) the cognizant Senior Official of the Intelligence Community to review the individual's background investigation and reach a favorable suitability determination; and (3) the individual, once approved by the Senior Official of the Intelligence Community for SCI access, to sign a SCI nondisclosure agreement.[2] Additional guidance concerning SCI eligibility is contained in Executive Order 12968,[3] the U.S. Security Policy Board investigative standards and adjudicative guidelines implementing Executive Order 12968,[4] and Director of Central Intelligence Directive 1/19.

Governmentwide standards and procedures for safeguarding SCI material are contained in Director of Central Intelligence Directive 1/19, Security Policy for Sensitive Compartmented Information and Security Policy Manual.

The EOP Security Office is part of the Office of Administration. The Director of the Office of Administration reports to the Assistant to the President for Management and Administration. The EOP Security Officer is responsible for formulating and directing the execution of security policy, reviewing and evaluating EOP security programs, and conducting security indoctrinations and debriefings for agencies of the EOP. Additionally, each of the nine EOP offices we reviewed has a security officer who is responsible for that specific office's security program.

As discussed with your office, we reviewed EOP procedures but did not verify whether the procedures were followed in granting SCI access to EOP employees, review EOP physical security practices for safeguarding classified material, conduct classified document control and accountability inspections, or perform other control tests of classified material over which the EOP has custody. (See pages 8 and 9 for a description of our scope and methodology.)

EOP-WIDE PROCEDURES FOR ACQUIRING SCI ACCESS SHOULD BE MORE SPECIFIC

The EOP Security Officer told us that, for the period January 1993 until June 1996, (1) he could not find any EOP-wide procedures for acquiring access to SCI for the White House Office, the Office of Policy Development, the Office of the Vice President, the National Security Council, and the President's Foreign Intelligence Advisory Board for which the former White House Security Office[5] provided security support and (2) there were no EOP-wide procedures for acquiring access to SCI for the Office of Science and Technology Policy, the Office of the United States Trade Representative, the Office of National Drug Control Policy, and the Office of Administration for which the EOP Security Office provides security support. He added that there had been no written procedures for acquiring SCI access within the EOP since he became the EOP Security Officer in 1986. In contrast, we noted that two of the nine EOP offices we reviewed issued office-specific procedures that make reference to acquiring access to SCI—the Office of Science and Technology Policy in July 1996 and the Office of the Vice President in February 1997.

According to the EOP Security Officer, draft EOP-wide written procedures for acquiring access to SCI were completed in June 1996, at the time the White House and EOP Security Offices merged. These draft procedures, entitled Security Procedures for the EOP Security Office, were not finalized until March 1998. While the procedures discuss the issuance of EOP building passes, they do not describe in detail the procedures EOP offices must follow to acquire SCI access; the roles and responsibilities of the EOP Security Office, security staffs of the individual EOP offices, and the CIA and others in the process; or the forms and essential documentation required before the CIA can adjudicate a request for SCI access. Moreover, the procedures do not address the practices that National Security Council security personnel follow to acquire SCI access for their personnel. For example, unlike the process for acquiring SCI access in the other eight EOP offices were reviewed, National Security Council security personnel (rather than the personnel in the EOP Security Office) conduct the employee pre-employment security interview; deal directly with the CIA to request SCI access; and, once the CIA approves an employee for access, conduct the SCI security indoctrination and oversee the individual's signing of the SCI nondisclosure agreement.

Director of Central Intelligence Directives 1/14 and 1/19 require that access to SCI be controlled under the strictest application of

Footnotes at end of letter.

the need-to-know principle and in accordance with applicable personnel security standards and procedures. In exceptional cases, the Senior Official of the Intelligence Community or his designee (the CIA in the case of EOP employees) may, when it is in the national interest, authorize an individual access to SCI prior to completion of the individual's security background investigation.

At least since July 1996, according to the National Security Council's security officer, his office has granted temporary SCI access to government employees and individuals from private industry and academia—before completion of the individual's security background investigation and without notifying the CIA. He added, however, that this practice has occurred only on rare occasions to meet urgent needs. He said that this practice was also followed prior to July 1996 but that no records exist documenting the number of instances and the parties the National Security Council may have granted temporary SCI access to prior to this date. CIA officials responsible for adjudicating and granting EOP requests for SCI access told us that the CIA did not know about the National Security Council's practice of granting temporary SCI access until our review.

A senior EOP official told us that from July 1996 through July 1998, the National Security Council security officer granted 35 temporary SCI clearances. This official also added that, after recent consultations with the CIA, the National Security Council decided in August 1998 to refer temporary SCI clearance determinations to the CIA.

EOP HAS NOT ESTABLISHED PROCEDURES FOR SAFEGUARDING SCI MATERIAL

The EOP-wide security procedures issued in March 1998 do not set forth security practices EOP offices are to allow in safeguarding classified information. In contrast, the Office of Science and Technology Policy and the Office of the Vice President had issued office-specific security procedures that deal with safeguarding SCI material. The Office of Science and Technology Policy procedures, issued in July 1996, were very comprehensive. They require that new employees be thoroughly briefed on their security responsibilities, advise staff on their responsibilities for implementing the security aspects of Executive Order 12958, and provide staff specific guidance on document accountability and other safeguard practices involving classified information. The remaining seven EOP offices that did not have office-specific procedures for safeguarding SCI and other classified information stated that they rely on Director of Central Intelligence Directive 1/19 for direction on such matters.

EOP HAS NOT ESTABLISHED A SECURITY SELF-INSPECTION PROGRAM

Executive Order 12958 requires the head of agencies that handle classified information to establish and maintain a security self-inspection program. The order contains guidelines (which agency security personnel may use in conducting such inspections) on reviewing relevant security directives and classified material access and control records and procedures, monitoring agency adherence to established safeguard standards, assessing compliance with controls for access to classified information, verifying whether agency special access programs provide for the conduct of internal oversight, and assessing whether controls to prevent unauthorized access to classified information are effective. Neither the EOP Security Office nor the security staff of the nine EOP offices we reviewed have conducted security self-inspections as described in the order.

EOP officials pointed out that security personnel routinely conduct daily desk, safe, and other security checks to ensure that SCI and other classified information is properly safeguarded. These same officials also emphasized the importance and security value in having within each EOP office experienced security staff responsible for safeguarding classified information. While these EOP security practices are important, the security self-inspection program as described in Executive Order 12958 provides for a review of security procedures and an assessment of security controls beyond EOP daily security practices.

INFORMATION SECURITY OVERSIGHT OFFICE HAS NOT CONDUCTED SECURITY INSPECTIONS OF EOP ACTIVITIES

Executive Order 12958 gives the Director, Information Security Oversight Office, authority to conduct on-site reviews of each agency's classified programs. The Director of the Information Security Oversight Office said his office has never conducted an on-site security inspection of EOP classified programs. He cited a lack of sufficient personnel as the reason for not doing so and added that primary responsibility for oversight should rest internally with the EOP and other government agencies having custody of classified material.

The Director's concern with having adequate inspection staff and his view on the primacy of internal oversight do not diminish the need for an objective and systematic examination of EOP classified programs by an independent party. An independent assessment of EOP security practices by the Information Security Oversight Office could have brought to light the security concerns raised in this report.

RECOMMENDATIONS

To improve EOP security practices, we recommend that the Assistant to the President for Management and Administration direct the EOP Security Officer to revise the March 1998 Security Procedures for the EOP Security Office to include comprehensive guidance on the procedures EOP offices must follow in (1) acquiring SCI access for its employees and (2) safeguarding SCI material and establish and maintain a self-inspection program of EOP classified programs, including SCI in accordance with provisions in Executive Order 12958.

We recommend further that, to properly provide for external oversight, the Director, Information Security Oversight Office, develop and implement a plan for conducting periodic on-site security inspections of EOP classified programs.

AGENCY COMMENTS AND OUR EVALUATION

We provided the EOP, the Information Security Oversight Office, and the CIA a copy of the draft report for their review and comment. The EOP and the Information Security Oversight Office provided written comments which are reprinted in their entirety as appendices I and II respectively. The CIA did not provide comments.

In responding for the EOP, the Assistant to the President for Management and Administration stated that our report creates a false impression that the security procedures the EOP employ are lax and inconsistent with established standards. This official added that the procedures for regulating personnel access to classified information are Executive Order 12968 and applicable Security Policy Board guidelines and Executive Order 12968 and Executive Order 12958 for safeguarding such information. The Assistant to the President also stated that the report suggests that the EOP operated in a vacuum because the EOP written security procedures implementing Executive Order 12968 were not issued until March 1998. The official noted that EOP carefully followed the President's executive orders, Security Policy Board guidelines and applicable Director of Central Intelligence Directives during this time period. While EOP disagreed with the basis for our recommendations, the Assistant to the President stated that EOP plans to supplement its security procedures with additional guidance.

We agree that the executive orders, Security Policy Board guidelines, and applicable Director of Central Intelligence Directives clearly lay out governmentwide standards and procedures for access to and safeguarding of SCI. However, they are not a substitute for local operating procedures that provide agency personnel guidance on how to implement the governmentwide procedures. We believe that EOP plans to issue supplemental guidance could strengthen existing procedures.

The Assistant to the President also stated that it is not accurate to say that the EOP has not conducted security self-inspections. This official stated that our draft report acknowledges that ''security personnel conduct daily desk, safe, and other security checks to ensure that SCI and other classified material is properly safeguarded.'' The Assistant to the President is correct to point out the importance of daily physical security checks as a effective means to help ensure that classified material is properly safeguarded. However, such self-inspection practices are not meant to substitute for a security self-inspection program as described in Executive Order 12958. Self-inspections as discussed in the order are much broader in scope than routine daily safe checks. The order's guidelines discuss reviewing relevant security directives and classified material access and control records and procedures, monitoring agency adherence to established safeguard standards, assessing compliance with controls for access to classified information, verifying whether agency special access programs (such as SCI) provide for the conduct of internal oversight, and assessing whether controls to prevent unauthorized access to classified information are effective. Our report recommends that the EOP establish a self-inspection program.

In commenting on our recommendation, the Assistant to the President said that to enhance EOP security practices, the skilled assistance of the EOP Security Office staff are being made available to all EOP organizations to coordinate and assist where appropriate in agency efforts to enhance self-inspection. We believe EOP security practices would be enhanced if this action were part of a security self-inspection program as described in Executive Order 12958.

The Director, Information Security Oversight Office noted that our report addresses important elements of the SCI program in place within the EOP and provides helpful insights for the security community as a whole. The Director believes that we overemphasize the need to create EOP specific procedures for handling SCI programs. He observed that the Director of Central Intelligence has issued governmentwide procedures on these matters and that for the EOP to prepare local procedures would result in unnecessary additional rules and expenditure of resources and could result in local procedures contrary to Director of Central Intelligence Directives. As we discussed above, we agree that the executive orders, Security Policy Board guidelines, and applicable Director of Central Intelligence Directives clearly lay out governmentwide standards and procedures for access to and safeguarding of SCI. However, they are not a substitute for local operating procedures that provide agency personnel guidance on how to implement the governmentwide procedures.

The Director agreed that his office needs to conduct on-site security inspections and

hopes to begin the inspections during fiscal year 1999. The Director also noted that the primary focus of the inspections would be classification management and not inspections of the SCI program.

SCOPE AND METHODOLOGY

To identify EOP procedures for acquiring access to SCI and safeguarding such information, we met with EOP officials responsible for security program management and discussed their programs. We obtained and reviewed pertinent documents concerning EOP procedures for acquiring SCI access and safeguarding such information.

In addition, we obtained and reviewed various executive orders, Director of Central Intelligence Directives, and other documents pertaining to acquiring access to and safeguarding SCI material. We also discussed U.S. government security policies pertinent to our review with officials of the Information Security Oversight Office and the U.S. Security Policy Board. Additionally, we met with officials of the CIA responsible for adjudicating and granting EOP employees SCI access and discussed the CIA procedures for determining whether an individual meets Director of Central Intelligence Directive eligibility standards.

As discussed with your office, we did not verify whether proper procedures were following in granting SCI access to the approximately 840 EOP employees identified by the EOP Security Officer. Also, we did not review EOP physical security practices for safeguarding SCI and other classified material, conduct classified document control and accountability inspections, or perform other control tests of SCI material over which the EOP has custody.

We performed our review from January 1998 until August 1998 in accordance with generally accepted government auditing standards.

At your request, we plan no further distribution of this report until 30 days after its issue date. At that time, we will provide copies to appropriate congressional committees; the Chief of Staff to the President; the Assistant to the President for Management and Administration; the Director, Information Security Oversight Office; the Director of Central Intelligence; Central Intelligence Agency; the U.S. Security Policy Board; the Director of the Office of Management and Budget; and other interested parties.

Please contact me at (202) 512–3504 if you or your staff have any questions concerning this report. Major contributors to this report were Gary K. Weeter, Assistant Director, and Tim F. Stone, Evaluator-in-Charge.

Sincerely yours,

RICHARD DAVIS,
Director, National Security Analysis.

FOOTNOTES

[1] The ''need-to-know'' principle is a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform a lawful and authorized function. The prospective recipient shall possess an appropriate security clearance and access approval in accordance with Director of Central Intelligence Directive 1/14.

[2] The SCI nondisclosure agreement establishes explicit obligations on the government and the individual to protect SCI.

[3] Executive Order 12968, Access to Classified Information, (Aug. 2, 1995).

[4] U.S. Security Policy Board, Adjudicative Guidelines for Determining Eligiblity for Access to Classified Information, Investigative Standards for Background Investigations for Access to Classified Information, and Investigative Standards for Temporary Eligiblity for Access (Mar. 24, 1997).

[5] The White House Security Office was abolished on June 19, 1996. On this date, the EOP Security Office assumed responsibility for security support for the EOP offices previously supported by the White House Security Office.

APPENDIX I—COMMENTS FROM THE ASSISTANT TO THE PRESIDENT FOR MANAGEMENT AND ADMINISTRATION

THE WHITE HOUSE,
Washington, September 23, 1998.

Mr. Richard Davis,
Director, National Security Analysis National Security and International Affairs Division, Washington, DC.

DEAR MR. DAVIS: We are writing in response to your September 11, 1998 letter and draft report for the Executive Office of the President (EOP), *Procedures for Acquiring Access to and Safeguarding Intelligence Information*. Unfortunately, the GAO report creates the false impression that the security procedures employed at the EOP are lax and inconsistent with established standards. Nothing could be further from the truth. In fact, as the evidence provided to the GAO makes abundantly clear, EOP security officials are experienced professionals who have executed their responsibilities diligently and with great attention to detail.

The GAO report also implies that these experienced professionals have not fulfilled their obligations under the law. This is completely unsupported by any reading of the facts. The extensive information provided by the EOP to the GAO auditors plainly demonstrates that the EOP has conscientiously abided by security precautions.

The EOP has made available to the GAO audit team reviewing EOP security procedures key personnel and relevant documents. In fact, the General Counsel of the Office of Administration and the EOP Security Office Chief have personally devoted a substantial number of hours to facilitate the GAO's audit. Numerous other EOP officials have also devoted significant amounts of time to assist the GAO auditors.

After the submission of hundreds of pages of documentation, more than ten meetings with the GAO auditors and more than ten individual interviews with EOP entities, the report still contains errors and statements that generate mis-impressions. It is our hope that the GAO will make the appropriate corrections to the report prior to its submission to the Congress.

In short, the EOP has established procedures for regulating personnel access to classified information; also, the EOP has a rigorous program, administered by career professional security officers, to safeguard classified information. The procedures in question are contained in E.O. 12968 and applicable Security Policy Board (SPB) guidelines. The safeguards in question are also contained E.O. 12958.

The report suggests that the EOP, and its constituent entities, operated in a vacuum because the EOP written security procedures implementing E.O. 12968 were not issued until March 1998. In fact, the EOP carefully followed the authoritative guidance set forth in the President's Executive Orders, SPB guidelines, and applicable Director of Central Intelligence Directives (DCI/Ds) throughout this time period. The President's Executive Orders are the cornerstones of the EOP's security programs and provide the basis for the adjudication of access to classified information, with or without subsequent guidelines. The EOP has found that the Executive Orders and SPB guidelines provide clear guidance that has been implemented with care in order to safeguard classified information and regulate access to it.

With respect to the draft report's comments relating to temporary SCI clearances, during the period July 1996 through July 1998, the NSC Security Officer, a professional career security officer on detail, granted 35 temporary SCI clearances subject to issuance by the CIA of a final SCI clearance. Before considering issuance of a temporary SCI clearance, the Security Officer conducted a thorough review of available background information from the completed SF–86, obtained the results of the FBI name check, and received a progress report from the FBI when the background check was substantially completed. Only if this careful examination revealed no derogatory information would a temporary clearance be granted. Although this process has been implemented successfully with no adverse indications, the NSC decided in August 1998, after consultations with CIA Headquarters personnel and with a view towards simplifying this process, to refer temporary SCI clearance determinations to CIA Headquarters.

The headline for the section of the draft report on self-inspections—EOP HAS NOT CONDUCTED SECURITY SELF-INSPECTIONS—is simply not accurate. Indeed, the draft report acknowledges that ''security personnel conduct daily desk, safe, and other security checks to ensure that SCI and other classified material is properly safeguarded.'' The EOP operates consistently with the self-inspection guidelines issued by the Information Security Oversight Office pursuant to E.O. 12958 for safeguarding classified information, which is the primary focus of this draft report.

The GAO report includes three recommendations. One of the three recommendations included in the GAO report is that the EOP ''initiate a self inspection program.'' As we have stated and supported on numerous occasions to the GAO auditors, our current self-inspection practices are effective. Nevertheless, we are continuing our efforts to enhance EOP security practices. We have made available to all EOP organizations the skilled assistance of our EOP security office staff to coordinate and assist where appropriate in agency efforts to enhance self-inspection.

The GAO also recommends that we revise the Security Procedures for the EOP Security Office to include ''comprehensive guidance'' on ''acquiring SCI access'' and ''properly safeguarding SCI material,'' In fact, the EOP Security Procedures do include comprehensive guidance. As we pointed out to the GAO auditors on several occasions, paragraph 10 (c) of the Security Procedures incorporates by reference guidance for obtaining SCI access. Although we disagree with the basis for the GAO recommendation, we have initiated an effort to supplement the Security Procedures with additional guidance.

Finally, the draft report recommends that the Information Security Oversight Office conduct periodic on-site reviews of the EOP security process. We stand ready to work with the ISOO in any such undertaking.

We would like to request a meeting with the GAO auditors to discuss the issues raised in this letter in addition to other technical corrections to the GAO report. If there is anything that I or any member of my staff, can do to be of assistance, please feel free to contact Mark Lindsay (202) 456–3880.

Sincerely yours,

VIRGINIA M. APUZZO,
Assistant to the President for Management and Administration.

GAO COMMENT

The following is our comment to the Assistant to the President for Management and Administration's letter dated September 23, 1998.

1. A representative of the EOP told us that the errors referred, for example, to statements in GAO's draft report that the EOP does not conduct self-inspections and that the EOP lacks written procedures.

APPENDIX II—COMMENTS FROM THE INFORMATION SECURITY OVERSIGHT OFFICE

INFORMATION SECURITY OVERSIGHT OFFICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION,

Washington, DC, September 18, 1998.

Subject comments on General Accounting Office (GAO) report ''Executive Office of the President: Procedures for Acquiring Access to and Safeguarding Intelligence Information''.

Mr. Richard Davis,

Director, National Security Analysis, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC

DEAR MR. DAVIS: Thank you for the opportunity to comment on the subject draft GAO report. It addresses important elements of the Sensitive Compartmented Information (SCI) program in place within the Executive Office of the President (EOP) and provides helpful insights for the security community as a whole. The conclusions drawn in three areas of the report prompt the Information Security Oversight Office (ISOO) to offer the following comments.

(1) ISOO believes the draft report overemphasizes the issuance of individual office and agency procedures for handling SCI. While Executive Order 12958 prescribes a uniform system for classifying, safeguarding, and declassifying national security information, the Director of Central Intelligence (DCI) prescribes the augmentation of those procedures for SCI, both under the Executive order and the DCI's statutory authorities. As noted in the report, the DCI has issued Government-wide standards and procedures for access to SCI and for safeguarding SCI with Director of Central Intelligence Directives (DCIDs) 1/14 and 1/19, respectively.

Most executive branch agencies rely upon the DCIDs exclusively as their security procedures documents for SCI. Rather than generating others. Requiring agencies to generate additional procedures documents for SCI would result in unnecessary additional rules and expenditure of resources, and could result in procedures contrary to the DCIDs, particularly, if the DCI does not review and approve them. Ensuring that EOP offices and executive branch agencies have ready access to the DCIDs could alleviate concerns about the need for detailed procedures in each office and agency.

(2) Several factors have prevented ISOO from conducting compliance inspections for the past several years. These include the drafting and implementing of E.O. 12958, with its increased functions for ISOO. At the same time, the size of ISOO's staff has decreased by one-third to the point where its total professional and clerical staff numbers 10 people. Nevertheless, we agree that ISOO needs to be conducting inspections and we hope to do so during fiscal year 1999.

Your report suggests, however, that ISOO's inspections would cover SCI as it relates both to the issuance of SCI clearances and the safeguarding of SCI information. These areas would never be the primary or even secondary focus of ISOO's compliance inspections. First, ISOO does not have any jurisdiction over the personnel security (clearance) system. Second, ISOO's primary concern in classification management would not ordinarily focus on the SCI program. In other words, external oversight of the EOP's SCI programs would only coincidentally result from increased ISOO inspections.

(3) Finally, your report raises concerns about the granting of interim clearances for SCI access at the National Security Council (NSC). While we share the report's concerns about the possibility for abuse in this area, we also recognize and understand the NCS's responsibilities to the President. With respect to information generated by the Intelligence Community, having appropriately cleared individuals on the job in a timely manner is essential. Because the SCI program is so large and widely dispersed across the government, ISOO understands the NSC's need to have the ability to grant interim clearances, under specific conditions, so that individuals can perform their duties. Property managing and controlling how these interim clearances are granted would be an important element of oversight. Your report suggests that the DCI is addressing this issue with the NSC.

Please call me on 202–219–5250 if you have any questions concerning our comments on your draft report. Again, we appreciate the opportunity to comment.

Sincerely,

STEVEN GARFINKEL,

Director.

Mr. PAYNE. Mr. Speaker, I rise in adamant opposition to this resolution and to the travesty of justice we are witnessing here today. From the time the voters of America put this President in office six years ago, his enemies have led a frenzied crusade to reverse the results of the electoral process and to subvert the will of the American people.

They have stopped at nothing. What began as an investigation into an investment the President and First Lady made in Arkansas well over a decade ago has mushroomed into a frantic search to find something—anything—to bring this presidency down. The free-ranging, unbridled hunt for damaging information about the President has resulted in the expenditure of millions of tax dollars; it has featured the doctoring of tapes by Republicans; a so-called ''Independent'' Counsel whose office resorts to bullying, threats and intimidation; a mad rush to put the report of the Counsel on the internet without giving the President the basic right to review the charges against him; the release of the President's videotaped grand jury testimony again with total disregard to his rights, and now the push to expand the inquiry into areas which have already been thoroughly investigated.

Do we really want to turn this nation into a police state where enemies of the President, in pursuit of a political agenda, have the power to restrict individual freedoms and intimidate citizens?

The vast majority of my constituents have told me they are ready to forgive the President for making a mistake in his personal conduct. It is time to move on to the pressing issues facing our nation—education, health care reform, protection of social security, and continued economic growth. I urge my colleagues to put a stop to this partisan, out-of-control vendetta and to take care of the real business of the American people.

Mr. JOHNSON of Texas. Mr. Speaker, today is a solemn day. The Congress has considered an impeachment inquiry only two other times in our Nation's history. It is not a task that we take lightly.

I believe it is our constitutional duty to begin an impeachment inquiry based on the evidence delivered to the Judiciary Committee by Judge Starr.

I believe that the Chairman of the Judiciary Committee, HENRY HYDE, has been committed to a fair and judicious process, and we will continue to follow his lead.

Article 2, section 1 of our Constitution contains the oath of office that the President must take before entering office. It states: ''I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.''

This body voted today to investigate whether the President has broken this oath by committing perjury and obstructing justice.

I, too, took an oath to uphold the Constitution when I entered the military and I have taken that oath as a State representative and as a U.S. Congressman. Each time, I took it as a serious obligation.

The American people deserve answers to the many questions about the conduct of this President and today we have begun the process of finding those answers.

Mrs. FOWLER. Mr. Speaker, I rise today with a heavy heart to support the resolution calling for an impeachment inquiry against the President, William Jefferson Clinton.

While the actions and evidence that have led us here today are deplorable, the action we are taking here today as a result is noble. It is in the finest tradition of our democracy that the process of impeachment begins.

We have heard much discussion today of the Constitution. We heard quotes from James Madison and the Federalist Papers. All that is certainly important in this debate. But our constituents have a voice in this process too, and I received a letter from one last week that I think puts all this in perspective. It's from a 6-year old boy in Jacksonville, Florida.

He writes, ''Someday in my mind I hope we get a better President. I want to have a President that tells the truth. Even I think I could be a better President than this man.''

There was a day when our children aspired to be President. Now, the children in my district aspire to be better than the President.

The Judiciary Committee, and this House, are about to begin a mission for the truth. But as we undertake the official process that is laid out in the Constitution, I hope we will also begin the process of healing our nation.

They said the truth is a liberating thing. It is only through a successful search for the truth that our nation can liberate itself from this scandal. To sweep it under the rug, would be to leave it to fester under the fiber of our democracy and to eat away at the rule of law.

Yes, we all want to put this behind us, but, as the Constitution requires, and our conscience dictates, we must proceed with this inquiry to do that.

I urge my colleagues to support the resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, today I urge my colleagues to vote in favor of the House Judiciary Committee's recommendation to open an impeachment inquiry into the conduct of President Clinton.

I certainly understand the desire of all Americans, myself included, to be done with this matter and to return our attention to many serious issues that confront our country at home and abroad. And let me say quite frankly, I, like many of my colleagues, resent the fact that the President's actions have brought us to this Constitutional crisis. Given the serious charges leveled against the President including testifying falsely under oath, obstruction of justice, and witness tampering among others, I believe this inquiry is warranted.

Our inquiry has everything to do with the President's ability to lead our country. He is

our Commander-in-Chief, as well as the chief architect of American foreign policy and our domestic welfare. The President symbolizes to our nation and the rest of the world what it is to be an American. For these very reasons we need to be certain of the President's conduct, and whether his wrongdoing warrants penalty. Our President must command the moral authority to lead this great nation, especially in the critical times of crisis. And whether it be an issue of national security, or as a role model for our children, our nation cannot afford to question the President's decisions or doubt his sincerity, which many of us do now. We may disagree politically, but every American must be convinced the President's leadership decisions are genuine. I for one, want more from my President than feigned anger and forced contrition. I want the truth that this inquiry seeks.

As recommended by the Judiciary Committee, the process by which this inquiry will be undertaken is the very same model used in the Watergate impeachment inquiry. While the Democrats on the Judiciary Committee did not support this particular model, I think it is important to note that they did support an inquiry, albeit a more limited one with a fixed timeframe for consideration.

There is no more serious obligation given to us under the Constitution than to uphold the rule of law and protect the integrity of the highest offices of our government. The charges against President Clinton cannot simply be ignored. We have a process for resolving them as prescribed by the Constitution and the House will not proceed in a Constitionally sound and orderly fashion and do so as expeditiously as possible.

The seriousness of Congress' duty to consider this issue is best stated by Judiciary Committee Chairman Peter Rodino of New Jersey in 1974, who said during the impeachment hearings of President Nixon, ''we cannot turn away, out of partisanship or convenience, from problems that are now our responsibility, our inescapable responsibility to consider. It would be a violation of our own public trust if we, as the people's representatives, chose not to inquire, not to consult, not even to deliberate.''

Mr. Speaker, the President has already admitted to violating the public's trust by lying to the American people, his family, supporters and Cabinet. We cannot let it happen again. It is our duty to restore that trust in the Presidency by approaching this inquiry with a commitment to fairness, and an unshakable dedication to seek the truth.

If it is proven the President of the United States lied under oath, obstructed justice and urged others to do the same, he has forsaken the oath he took when he became our President. Under those circumstances, removal from office is no longer a question. But to come to that conclusion, this Congress and the American people must be satisfied by the fairness and thoroughness of our deliberations.

As the House proceeds, I like all Members, must reserve final judgment on the appropriate action until all the evidence is carefully reviewed and judiciously weighed.

So today, I say let us begin. Let us open the impeachment inquiry of President Clinton.

Mr. MORAN of Virginia. Mr. Speaker, whether this House votes today for the Democratic alternative, which I prefer, or the resolution that was reported from the House Judiciary Committee, which I will vote for when the alternative fails, this much is clear:

The guiding purpose of this inquiry must be to obtain the truth. We must conduct this inquiry in order to give the President the opportunity to acquit himself. And we must conduct this inquiry in a manner that brings honor to this institution, and that keeps faith with the Constitution that we are sworn to uphold.

I don't know, Mr. Speaker, what the outcome of the Committee's inquiry will be. I share the hope that I think all fair-minded Americans hold that the President will emerge from this process exonerated and able to renew his effective service. The Congress will carry a heavy burden to show that the President has conducted impeachable offenses, and that the results of two elections should be overturned.

But I do know that if we fail to move forward today, we will not be serving the best interests of the President, or, much more importantly, of our nation.

Mr. KOLBE. Mr. Speaker, with a heavy heart but a clear conscience, I will vote today to authorize the House Judiciary Committee to proceed with a formal inquiry that could lead to the impeachment of President Clinton.

The President's personal indiscretions, which he himself has essentially acknowledged, are not at issue. What is at issue are allegations of perjury, conspiracy to commit perjury, and obstruction of justice, both in a sworn deposition in the Paula Jones sexual harassment lawsuit and in sworn testimony before a federal grand jury. Judge Starr has suggested that there are eleven instances in which there is substantial and credible evidence of perjury, subornation of perjury and obstruction of justice. The Judiciary Committee has suggested there may be as many as fifteen separate charges that warrant investigation. These are serious charges; the underlying behavior which may have led to these charges is important, but not central to the charges themselves. If proven true, these charges could constitute grounds for the President's impeachment and removal from office. In the meantime, Congress bears the burden of proof and the President is entitled to a presumption of innocence.

While I have not supported President Clinton politically in his election campaigns, I have always tried to work with him and his Administration in a bipartisan manner and for the good of the country. I hope we can all put aside partisanship, maintain the proper decorum and avoid a rush to judgment. Removing a President from office is the most serious step any Congress can ever take since it sets aside the decision made by the voters. It has never happened before in 220 years of our history, and it must never be done lightly.

However, ours is a nation governed by the rule of law, not the rule of men. No person may be above the law, including—or perhaps especially—the Chief Executive of our country. Congress must carry out its constitutional responsibilities in a fair and dignified manner. As a potential ''grand juror'' who may be required to vote on Articles of Impeachment, I will maintain the highest degree of objectivity and consider fairly all the evidence ultimately gathered by the Judiciary Committee.

Mr PACKARD. Mr. Speaker, I would like to encourage my Colleagues to vote in favor of proceedings to further investigate President Clinton on the charges brought against him.

Our entire system of law is based on a sound understanding that we must live by truth. Today we are casting a vote that defines every principal of which our Constitution was written; truth, justice, and equality.

This is not a vote for or against Bill Clinton. This is a vote for the truth. We must allow justice to be fairly served. I took an oath to defend the Constitution and ensure that no person is above the law, even if that person is the President. This is not a choice, it is a duty.

Mr. Speaker, this is a sad day for America. No one enjoys this. The President of the United States stands accused of committing serious felonies. Congress must fulfill its duty to fully investigate these charges, not just for the sake of reaching the truth, but for the sake of our country.

Ms. WATERS. Mr. Speaker and Members of Congress, the decision of the Republicans to limit the debate on this important resolution and to decide whether or not this body will move an inquiry to impeach President Clinton, is a continuation of the partisan, unfair, and inconsiderate actions that have dictated the management of this impeachment crisis ever since Independent Counsel Ken Starr dumped his referral in the laps of this Congress and the public.

This continuous, shameless, and reckless disregard for the Constitution and basic civil rights cannot be tolerated by the citizens of this country. This is a sad and painful day for all of us. The least we could do is handle this matter with dignity and fairness for everyone involved. Four-and-one-half years and $40 million later, unnecessary subpoenas of uninvolved individuals, Mr. Starr's close relationships with groups and individuals with demonstrated hatred for the President taints the Independent Counsel's investigation. This Congress does not need a protracted, open-ended witch-hunt, intimidation, embarrassment and harassment. The tawdry and trashy pages of hearsay, accusations, gossip, and stupid telephone chatter do not meet the standards of ''high crimes and misdemeanors.''

The President's actions in this matter are disappointing and unacceptable, BUT NOT IMPEACHABLE! Mr. Schippers, the General Counsel for the Majority on the House Judiciary Committee, extended the allegations in search of something—anything that may meet the constitutional standards for impeachment. However, even the extended and added allegations do not comport with the Constitutional standard for impeachment.

It is time to move on! Reprimand or condemn the President—but let us move on! These grossly unfair procedures will only tear this Congress and this nation apart. I ask my colleagues to vote down this open ended, unfair resolution presented today by the majority. It does not deserve the support of this House.

Mr. Speaker, Members of the Congressional Black Caucus have constantly warned this body about the dangers of a prosecutor run amuck. The Congressional Black Caucus has warned about the abuse of power by the Majority. We ask you to listen to us and we remind you of the history of our people who have struggled against injustice and unfairness.

Let us not march backwards. Let's be wise enough to move forward and spend our precious time working on the issues of education, health care, senior citizens issues, children's issues, and justice and opportunity for all Americans.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to House Resolution #581, the Republican Impeachment Inquiry Resolution, in favor of the Alternative offered today. I cannot condone the behavior of the President; his actions have been profoundly disappointing to the country. But, I believe that the investigation of whether or not his conduct should be the subject of impeachment is one that must be concluded quickly and responsibly.

The resolution offered today will start an inquiry that is open-ended and not limited in any fashion, not even to the Referral by Independent Counsel Kenneth Starr. This inquiry has the potential to last many months, if not years, and into the next Congress. The American people have urged this House to come to a conclusion, and the resolution offered today ignores this plea. Instead of coming to a concise and thoughtful resolution, the Republican party has instead brought forth a plan that is illogical, without direction, and indefinite in length and scope.

Mr. Speaker, we need to heed the call of the American public and resolve this painful conflict as soon as possible. The basic tenent that we should focus on is do the facts brought to us by Independent Counsel Kenneth Starr demand impeachment? If we assume that Kenneth Starr is a competent attorney, and the evidence brought forth is fact, then we should get on with the business of examining that evidence in the light of the Constitution and what our founding fathers deemed impeachable.

I believe that the only way that we, as a body, can properly do this is by focusing the scope of the inquiry to the matter actually before us in the Referral from the Independent Counsel. This is precisely what the offered Alternative does. It would produce a proceeding that is fair, and one that would open with a consideration of the constitutional standard for impeachment. Once these standards are determined, the facts of the case would be examined and held in comparison.

Congress needs to return its focus and attention back to the business of the nation. This process should not stand between the problems facing this country and our ambition to solve them. There are many issues—such as saving Social Security, passing a Patient's Bill of Rights, saving our environment for future generations, and ensuring that all children attending school are given the tools to succeed—that are floundering by the wayside as we continue to focus our energies on this drawn out process. I believe that the only way we can return to work on these imperative issues is by bringing an expeditious conclusion to the inquiry by the end of the year.

An inquiry that is deliberate, grounded in the Constitution, and removed from partisan politics is the only way that we can bring this country the resolution that it craves. In the House of Representatives there is a process in place to deal with matters of presidential improprieties. As a Member of congress, I believe in this process and the importance of adhering to the appropriate steps. The charges against the President are serious, and they deserve serious consideration. Mr. Speaker, I rise in support of the Alternative to the Impeachment Inquiry Resolution because it is focused, fair, expeditious, and deliberate.

Ms. LEE. Mr. Speaker, I rise today to oppose H. Res. 581, the Republican resolution to begin impeachment proceedings regarding the President of the United States. People have stated overwhelmingly, in a loud, clear and unified voice, that the Congress must not proceed with a long, open-ended, and partisan impeachment proceeding.

I have not, nor will I condone the President's behavior. He was wrong, and he should never had lied about his relationship with Monica Lewinsky.

Nevertheless, the prosecutor's investigation and the Congress' discussions and hearings about the President's behavior have been unfair from the start. As a result, I oppose the continuation of independent counsel Kenneth Starr's investigation—which has been a four-year, partisan effort to discredit the President—as well as any related investigations and inquiries. It should be noted that, despite the length of the investigation and the intense scrutiny of the President and his friends, Prosecutor Starr and the Republicans have come up largely empty-handed, except with regard to the President's behavior in the Monica Lewinsky matter. When the Starr investigation produced a now-infamous and, at times, pornographic report, I voted against the release of the Starr report because I felt the material to be unfair and inappropriate, and because the President and his lawyers did not have a chance to review the report before it was released to the public on the internet, and in all of the newspapers.

And so today, I oppose the Republican resolution to begin Presidential impeachment hearings: I strongly oppose any form of impeachment inquiry because I firmly believe that lying about a sexual affair does not constitute an impeachable offense, and because the investigation and the hearings are yet another political effort to undermine the President.

The allegations against the President do not constitute high crimes and misdemeanors. They certainly are not comparable to high crimes and misdemeanors like treason or bribery. Even more, the resolution creates a political circus on the national stage, with no limitations in scope and length, no controls, no definitions, and no justice. And worse still, the process itself is an attempt to overthrow our Democratic agenda; in other words, we are witnessing an attempted coup d'etat.

Today is a sad day for the country. We can only hope now that, despite the past weeks and months, the Congress will proceed quickly with an investigation that is fair and, especially, limited in scope and length. The American people have stated that we must move quickly and get on with the work we were elected to do. The real immorality and scandal in this country is that, because of this partisan process, we have not been able to do the important work of preserving social security, protecting our environment, educating our children, or ensuring health care reform.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong opposition to House Resolution 581, the impeachment inquiry resolution being considered today by the House of Representatives.

On a matter of procedure, I find it very disturbing that as the House is considering an impeachment inquiry resolution, under one of the most important powers the House has, I was not afforded an opportunity to speak before the House during the debate. There is no question of the importance of the power of the House to send articles of impeachment to the Senate. Given the importance of this decision, there should have been adequate time provided for Members to debate the issue. That I must submit my statement for the record and not be given the opportunity to address my colleagues in person and my constituents via television speaks to the willingness of the majority to give this topic fair consideration.

I have read the independent counsel's report to the House of Representatives and found the conduct described by the allegations to be offensive and not what I expect from a President of the United States. However, I do not believe the conduct described, even if completely accurate, warrants impeachment. I nonetheless feel the House of Representatives needs to address the issue promptly.

Our country will not be well served by months of antagonistic debate, and I urge my colleagues to address the issue in a forthright manner. I am saddened by the President's conduct; his actions were totally inappropriate and should not be condoned.

Extensive news coverage of discussions on impeachment have made it more difficult to address important national issues which need our attention. The independent counsel has spent over $40 million in investigating the President and has provided the House with tens of thousands of pages of materials. Much of the investigative work has been done and the facts are known.

We have the opportunity today to authorize an impeachment inquiry limited only by the voluminous records submitted to us and by the time constraints placed on our term of service by the U.S. constitution. Given the extensive investigation already conducted at taxpayer expense, the House now has a duty to act in a responsible manner, and I urge my colleagues to vote for the Democratic motion to recommit the resolution to the Judiciary Committee with instructions.

Mr. OLVER. Mr. Speaker, the President's personal behavior was morally wrong and deeply disappointing, but this investigation has gone too far and is hurting the country, our families and our children. Congress is getting nothing done and has now embarked on an open-ended fishing expedition. We should hold the President accountable for his personal conduct, but then we should get back to the work that American families care about.

Today, I am voting for a fair, focused and expeditious inquiry into the Kenneth Starr impeachment report. The process I support is specifically designed to focus on the Independent Counsel's report and any other referrals from Kenneth Starr. It would also ensure that this matter would be behind us by the end of the year, the end of this Congress.

The Republican impeachment inquiry is designed to produce an investigation without an end—to drag it out until the presidential election in November 2000, two years from now.

The stark difference between the two approaches is clear.

The Democratic amendment is reasonably focused. The Republican resolution is unlimited. The Democratic amendment is fair. It requires an initial determination regarding the standard for impeachment and the sufficiency of the evidence to meet that standard. The Republican proposal is arbitrary—it requires no preliminary determinations whatsoever. The Democratic amendment is expeditious. The Republican resolution is endless. And, finally, the Democratic amendment is deliberate. It is

logical and removes partisanship from the process. The Republican resolution is totally political and reckless in nature.

Americans, by a large majority, are clearly saying they want the Congress to get back to issues like improving public education, protecting our social security system, guaranteeing patients' rights to quality health care, curbing teenage smoking, and reforming the way campaigns are financed.

We must get back to these critical issues, and we should do it as soon as possible.

Mr. UNDERWOOD. Mr. Speaker, I rise today to join my colleagues in expressing my concern about the allegation made by Kenneth Starr against the President of the United States. We are faced with an historical vote on whether to proceed with impeachment proceedings against the President.

While there is no doubt that the allegations against the President are serious, it is extremely necessary to examine them in a timely manner. The House Judiciary Committee should investigate the allegations, but should avoid extending the process beyond this Congress since stretching the time frame does not do justice to the President, unnecessarily drags the country through a painful process, and opens up the body to criticism that we are stretching this process out solely for political reasons.

Furthermore, this impeachment inquiry should be limited to the charges made by the independent counsel in his current report to the Congress. An open-ended inquiry, as proposed by the majority, is little more than a fishing expedition meant to dredge up more problems if they exist. As we all know, Kenneth Starr began this investigation about four and a half years ago with the Whitewater allegations, then moved on to the misuses of the FBI files, the firing of people in the Travel Office, the Paula Jones lawsuit and finally to the Monica Lewinsky matter. The Starr investigation over these years involved large amounts of time and money, and Starr's fishing expedition has resulted with his report to the Congress which is the subject of the resolution before us today.

As we embark on this journey, let us not forget that our predecessors have been down this path before. Over the course of American history, the House of Representatives has deliberated and in fact has impeached 15 individuals, including a President, 12 judges, a Senator, and a cabinet member. The process for impeachment, established by the Constitution of the United States, is a serious and wrenching one. It takes its toll on each and every one of us, as we undergo the accusation and finally the conviction procedures. President Andrew Johnson, the only President to have been impeached, was charged in 1867 with 11 articles of impeachment. President Johnson lost his case before the House; however, the Senate voted only three impeachment articles but failed to convict President Johnson by a razor-thin margin of one vote. Of the 15 individuals who were impeached by the House, only seven were convicted by the Senate. I raise this point only to stress the seriousness of the impeachment process and that we not turn the pending resolution on its head without equally serious debate on the merits of this case against President Clinton.

As a former teacher, I cannot resist the temptation of referring to the federalist papers in order to give us some insights as we decide on some form of sanction against the President. In the Federalist Paper, Number One, written by Alexander Hamilton in 1787, he reminded us that in a great national discussion of whether the nation should adopt or reject the constitution, and I quote: "A torrent of angry and malignant passions will be let loose." Hamilton warned us about "the stale bait for popularity at the expense of public good." And finally, Hamilton noted: ". . . it will be equally forgotten, that the vigor of Government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated." I believe that we can learn from these lessons as we contemplate our constitutional responsibility to handle the Starr allegations.

I urge my colleagues to heed the words of Alexander Hamilton, that we use caution as we proceed with this inquiry, and above all, that we be fair to all parties involved. Let us support the reasonable and reasoned Boucher proposal.

Mr. Speaker, the people of Guam elected me to work on the pressing issues which affect their daily lives, like educational opportunities, access to quality health care, as well as access to employment and economic opportunities. We have serious worldwide economic difficulties in Asia which demand our attention.

We should investigate these charges, but we should be mindful of our responsibilities. Let's rise above partisanship as we deliberate on the difficult discourse pending before the Congress, let's conclude this inquiry expeditiously, and let's meet the challenge of improving the lives of the people who elected us to represent them in the United States Congress.

Mr. DAVIS of Florida. Mr. Speaker, we can all agree that the President's improper relationship was immoral and inexcusable. His actions represent a tremendous lapse of judgement which deeply troubles me and which has caused immense pain for his family and our entire Nation. Compounding these actions, the president clearly misled the American people—an act which has further torn the already tattered bonds of trust between citizens and elected officials. This is perhaps the highest price we will all pay for the self-centered actions of one man.

Over the past months, our Nation has struggled to make sense of this scandal, to find a fitting punishment for the President's actions, and to move forward with important matters facing our country. While many Americans would simply like this whole issue to be dropped, we as Members of this House have a Constitutional duty to fulfill. Therefore, today's debate is not about whether we should move forward with an inquiry. Sadly, after a thorough review of the Referral from the Independent Council, I believe that the allegations of potentially impeachable offenses compels us to do so. The question instead is how we should move forward to ensure that we conduct an inquiry that is fair, timely, and focused and which minimizes the potential risks to our country as a whole.

The structure of the inquiry is integral to preserving the integrity of the process. No one will be served by a process that is perceived as simply a partisan attempt to undo the results of the last election. That is why I wrote a letter to our distinguished colleague, Chairman HENRY HYDE, which sought to forge a bipartisan commitment to a focused impartial inquiry. At this point I would like to submit this letter for the RECORD.

HON. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC October 7, 1998.

DEAR CHAIRMAN HYDE: You have repeatedly expressed your desire to conduct a fair and impartial inquiry into whether the House should impeach the President. I know that you want and need bipartisan support for your motion to proceed with inquiry to substantiate the creditability of the inquiry.

Based on my review of the Referral from the Independent Council and the evidence released by your Committee, I believe that the House should continue with a more thorough inquiry as to the matters raised in the Referral. Therefore, I support your decision to proceed with a formal inquiry as to those matters. Mindful of the enormous cost to our nation and of the potential impact on the stability of our federal government, I nevertheless support an inquiry because I believe that the Referral raises serious allegations that must be further investigated as to the facts and carefully considered in view of the constitutional standards for impeachment. I further believe that we should finish this inquiry as soon as possible in order to minimize these potential hazards to our nation and I will support you in your commitment to try to conclude the inquiry before the end of this year.

However, I am deeply troubled by the comments of House Speaker NEWT GINGRICH and Majority Leader DICK ARMEY that a formal inquiry as to the matters raised in the Referral should be expanded to include the allegations against the President based on the Whitewater matter investigated by the Independent Council and possible allegations surrounding the White House Travel Office and FBI files. I believe the decision of the Independent Counsel not to include any of these matters in his Referral after his lengthy and exhaustive investigation reflects his view that no substantial and credible basis exists to justify considering impeachment based on any of these matters. Therefore, I conclude that it would be irresponsible to include any of these matters in the formal inquiry. Broadening the scope would serve no useful purpose, significantly expand the duration of the inquiry to the detriment of our nation, and undermine the essential integrity of the process.

I am writing to urge you to clearly unequivocally, and publicly commit not to expand the formal inquiry to include matters other than those raised in the Referral without first obtaining majority approval of the Members of the House voting to expand the scope on the basis that substantial and credible evidence exists as to these matters. With this commitment on your part, I, and I believe other like-minded Democrats, will join you in voting for a motion to proceed with a formal inquiry as to the matters raised in the Referral. Without such a commitment, I cannot, in good conscience, support a formal inquiry likely to include Whitewater and other matter already reviewed and apparently resolve by the Independent Counsel.

Thank you in advance for addressing these concerns.

Yours Truly,

JIM DAVIS.

While some may consider today's vote as simply an inevitable step in this ongoing investigation, I firmly believe that each step down the path towards removing a duly-elected President from office must be measured and deliberate. As I stated in my letter to Chairman Hyde, absent a clear commitment to limit the scope of the inquiry to the Referral of the Independent Counsel, I am deeply concerned

that it will devolve into a drawn-out, partisan investigation searching for possible impeachable offenses rather than an expedited, fair investigation examining the allegations presented to this body of possibly impeachable offenses.

For these reasons I rise in support of an impeachment inquiry as embodies in the Motion to Recommit and in opposition to the base resolution which is dangerously open-ended. Having consulted with Constitutional scholars, listened to the comments of my constituents, and search my conscience, I believe this is the course which best serves the interests of our Nation.

Mr. FAZIO of California. Mr. Speaker, today's proceeding is of such great historical importance, that it should be approached with a deep and abiding respect for the Congress, the Constitution and the Presidency.

We had the opportunity to develop a fair and responsible process that would protect not only the dignity of office of the Presidency, but create a precedent worth following. But the Republican majority has squandered it and by doing so has set in motion a process that is too much about partisanship and not enough about statesmanship.

It is more about election year defeat of political opponents than it is about what is right, just or fair.

The Republican proposal offers no limits on how long this partisan inquiry will go on, nor on how long Independent Counsel Kenneth Starr can drag up issues that he has had four years to bring to this House. Sadly there has been no willingness to limit the duration or scope of this resolution.

The Republican proposal moves ahead with an impeachment inquiry before the Judiciary Committee has even conducted a review of the facts and determined whether those facts constitute substantial and credible evidence. It lowers the threshold for which a President can be harassed and persecuted to the point of distraction from his Constitutional duties.

From now on, any Congress dissatisfied with the policies of a particular Administration or the personal behavior of any President, could simply conduct an ongoing, costly, and distracting inquiry designed to dilute the authority of the President.

But after the election when rationale behavior returns and cooler head can prevail, I urge us to forge a way to rise above the nasty politics that have clouded this body.

I will not be one of those of you who return to the next Congress. I leave hear after 20 years with my self respect in tact. I have reached across the lines within my own party and when necessary across the aisle to the other party to get things done for this country and make this House work.

I have fought partisan battles; I have stood my ground on issues that matter to my district. The American people expect that. But they also expect each of us to rise above the base political instincts that drive such a wedge through this House.

In the months ahead, we must find a way, my friends, to do what is right for America. Find a way to return this House to the people through a respect for law, for fairness and due process. In the end, we must do better than we will do today.

Mr. BEREUTER. Mr. Speaker, this Member would commend and ask his colleagues to consider carefully the following editorial from the October 8, 1998, edition of the Omaha World Herald, entitled ''A Broad Inquiry the Better Course.''

[From the Omaha World Herald, Oct. 8, 1998]

A BROAD INQUIRY THE BETTER COURSE

The fate of William Jefferson Clinton is not the only concern that the Kenneth Starr investigation has raised for Congress and the nation. There is also the matter of dealing with Clinton's misbehavior in a way that demonstrates respect for the rule of law.

Democrats have tried to narrow the impeachment inquiry. Abbe Lowell, counsel for the Democrats on the House Judiciary Committee, contends that any case for impeaching Clinton consists of one basic allegation: ''The president was engaged in an improper relationship which he did not want disclosed.''

The position is designed to minimize Clinton's deceptions by casting them in effect as little white lies. If the Democrats could convince the House and the nation that ''it was just sex,'' Clinton's chances of avoiding impeachment might be greater.

The approach of the Republicans on the Judiciary Committee had much more to commend it. They voted to recommend to the full House an open-ended inquiry, possibly into allegations unconnected to the Lewinsky affair. Presumably, the broader inquiry might include the firing of the travel office staff, the illegal possession by the White House of FBI files, the finding of a job for Webb Hubbell, the mysterious disappearance and reappearance of billing records and even illegal campaign fund raising, even though it was not part of Starr's mandate.

The Republicans' main concern is not the sex, but the lying under oath about it, the memory lapses about it, the exploitation of government employees to cover it up. David Schippers, a lifelong Democrat who is counsel for the Republicans on the Judiciary Committee, explained why Americans ought to be concerned. Clinton took the position that the Paula Jones lawsuit was bogus, Schippers noted. But the law gives a defendant no right to combat a bogus lawsuit by lying under oath.

''The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth is the foundation of the American system of justice, which is the envy of every civilized nation,'' he said. ''The sanctity of the oath taken by a witness is the most essential bulwark of the truth-seeking function of a trial, which is the American method of ascertaining the facts.''

Schippers said that if lying under oath is tolerated, ''the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse.'' He said the individual circumstances of the case didn't matter. ''It is the oath itself that is sacred and must be enforced,'' he said.

Americans ought to consider the consequences of letting the president's lying go unpunished. This isn't just that lovable rascal, the Comeback Kid, trying to escape another jam. This is the president of the United States defying one of the most important principles of the legal system: that the truth must be told when a person is under oath.

Mr. SKAGGS. Mr. Speaker, the vote today on an impeachment inquiry requires each of us to do our best to address without partisanship a matter laced with partisanship. It calls on each of us to set aside the passions of the moment, to be patriots, to act in the long-term interests of the American democracy, to uphold the Constitution. I pray for the wisdom to do so.

President Clinton has committed serious offenses against the American people, against the dignity of the office of the President, against the truth, and, probably, against the law.

How does the House of Representatives meet its constitutional responsibility in this grave matter today?

We are at an early stage of these proceedings, but we already have a fairly clear picture of the facts. To consider rejecting an impeachment inquiry at this early stage, we are obliged to construe the facts against the President and then test the facts against reasonable constitutional standards for impeachment. That's what I've attempted to do.

It's proper, given the gravity of the remedy of impeachment of a President, to set the standard for impeachable behavior at a comparable level of gravity. The level of proof of that behavior should be set commensurately high. And, finally, given the extraordinary nature of the impeachment remedy, there should be a substantial burden placed on proponents to justify its use. In other words, when in doubt, don't.

As to the question of what is an impeachable offense, it is evident from the Constitution, and from the writings and commentaries at the time, that abuse of office is the crux of the matter. Such an offense must involve serious injury or threat of serious injury to the Republic, on account of the actions of the President in the conduct of his office, or at least seriously undermining his ability to conduct himself in office.

It's unclear where to draw the limits of conduct to be treated as private for purposes of impeachment. But it is clear that the Framers did not intend everything a President does to be viewed as public or official. In my view, the conduct of President Clinton in this case originated in the private sphere and then was drawn into the public sphere. That happened largely because of the extraordinary use of a grand jury by the independent counsel, elevating or transforming the private to the public. The grand jury and that transformation are a device and a result not available in the case of any regular citizen, and available here only because the case involved the President.

Therefore, after careful review of the provisions of the Constitution, the writings and debate of the Framers, the precedents in prior impeachments, and the analysis of constitutional scholars, I have concluded that impeachment is not warranted in this case. The assumed offenses simply do not undermine the State in the way or to the degree required to constitute impeachable offenses.

It is possible that Mr. Starr may come forward with new information about other conduct by the President which will change my conclusion about impeachment. However, it strikes me as somewhat suspect that he waited until the eve of today's vote to suggest that there's more to come.

Today's vote has to be based on what is known, and reasonably to be inferred from what is known, today. On that basis, for the reasons I've stated, I conclude that proceeding further with an impeachment inquiry would serve no useful purpose because the conduct of the President—deplorable as it was—does not warrant impeachment.

The President's behavior, however, does warrant punishment. The good order of the Republic and a proper respect for the law demand that he be held to account and receive appropriate punishment.

While the President might well be advised to leave office voluntarily, it would be a profound mistake to use the impeachment power to remove the President from office involuntarily. Absent a resignation, and rejecting impeachment, other alternatives exist. Although none is perfect, they would be preferable to impeachment. A formal censure of the President, delivered in person before a joint session of Congress, together with a significant monetary penalty, would be serious punishment. To vindicate the rule of law, the President would remain liable to prosecution after leaving office, if warranted by evidence of criminal conduct—the same sort of prosecution any citizen might face for similar conduct.

My conclusion that punishment but not impeachment is the right course is also affected by an understanding of impeachment's enormous costs to the country. Those costs would be paid first in terms of political divisiveness, prolonged distraction from critical national and international problems, and a waste of the most precious resources of the democracy—time and trust. Later, the cost would come due in the harmful precedent we'll have set and its damage to proper constitutional standards and order. Those costs are excessive.

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Illinois (Mr. HYDE) is recognized for 4 minutes.

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

Mr. HYDE. Mr. Speaker, I am very sorry that the gentleman feels he is shortchanged in the debate. As the gentleman knows, under the rule and under the Rodino format, they were entitled to 1 hour. We doubled that. I did not think that was fair, but we could have gone on and on, and much of the same thing said over and over again. It would be too much for me to expect appreciation for doubling the time, but the hostility?

Let me suggest to Members who think this is going on like Tennyson's brook, just on and on and on, the 20th amendment to the Constitution says that ''Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January.''

□ 1415

We are out of business at the end of the year. Our money runs out. And if we are to continue, if there is anything to continue, we would have to reconstitute ourselves.

I do not want this to go one day longer than it has to. Believe me, this is very painful and I want it ended. We are not going to go on and on and on. But Mr. Rodino faced up to the problem of time limits and here is what he said. And why do you reject Mr. Rodino time and again in all of these issues? He is our model. He is the one we are following. And here is what he said:

> . . . the chairman recognizes, as the committee does, that to be locked in to such a date would be totally irresponsible and unwise; the committee would be in no position to state at this time whether our inquiry would be completed, would be thorough, so that we could make a fair and responsible judgment.

We are not flying by the seat of our pants. We are riding on Pete Rodino's shoulders. That is why we can see so far.

As far as standards are concerned, something that you have repeatedly brought up, let me quote from the wonderful report by the Rodino committee concerning the Nixon impeachment on the question of standards. Listen to Mr. Rodino:

> Similarly, the House does not engage in abstract advisory or hypothetical debates about the precise nature of conduct that calls for the exercise of its constitutional powers; rather, it must await full development of the facts and understanding of the events to which those facts relate.

That is what we want to do, develop the facts through an inquiry. On with Mr. Rodino:

> This memorandum offers no fixed standards for determining whether grounds for impeachment exist. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events . . .

Thus spake Peter Rodino, and that is our model for this adventure, this excursion, this journey that we are on.

Now, look, this is not about sexual misconduct any more than Watergate was about a third-rate burglary. It was about the reaction of the Chief Executive to that event. Nixon covered it up and got in the direst of trouble.

The problem with the Clinton situation, President Clinton's situation, is a reaction which we believe and we want to find out, and if we do not get the information we will reject it, caused him to lie under oath. Now, lying under oath is either important or it is not. If some people can lie under oath and others cannot, let us find out. If some subjects are ''lie-able'' that is, you can lie about them, and others are not, let us fine tune our jurisprudence that way. But if the same law applies to everybody equally, that is the American tradition, and that is what we are looking at.

This has not anything to do with sex. It has a lot to do with suborning perjury, tampering with witnesses, obstructing justice, and perjury, all of which impact on our Constitution and on our system of justice and the kind of country we are.

The President of the United States is the trustee of the Nation's conscience. We are entitled to explore fairly, fully, and expeditiously the circumstances that have been alleged to compromise that position. We will do it quickly, we will do it fairly. We want to get this behind us and behind the country and move on.

But it is our duty, it is an onerous, miserable, rotten duty, but we have to do it or we break faith with the people who sent us here.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. BOUCHER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOUCHER moves to recommit House Resolution 581 to the Committee on the Judiciary with instruction to report the same back to the House forthwith with the following amendment:

Strike the first section and insert the following:

That (a)(1) The House of Representatives authorizes and instructs the Committee on the Judiciary (in this Resolution referred to as the ''Committee'') to take the following steps within the time indicated in order, fully and fairly, to conduct an inquiry and, if appropriate, to act upon the Referral from the Independent Counsel (in this Resolution referred to as ''the Referral'') in a manner which ensures the faithful discharge of the Constitutional duty of the Congress and concludes the inquiry at the earliest possible time, and, consistent with chapter 40 of title 28, United States Code, to consider any subsequent referral made by the Independent Counsel under section 595(c) of such title 28.

(2) The Committee shall thoroughly and comprehensively review the constitutional standard for impeachment and determine if the facts presented in the Referral, if assumed to be true, could constitute grounds for the impeachment of the President.

(b) If the Committee determines that the facts stated in the Referral, if assumed to be true, could constitute grounds for impeachment, the Committee shall investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach the President.

(c) If the Committee finds that there are not sufficient grounds to impeach the President, it shall then be in order for the Committee to consider recommending to the House of Representatives alternative sanctions.

(d) Following the conclusion of its inquiry, the Committee shall consider any recommendation it may commend to the House, including—

(1) one or more articles of impeachment;

(2) alternative sanctions; or

(3) no action.

The Committee shall make such a recommendation sufficiently in advance of December 31, 1998, so that the House of Representatives may consider such recommendations as the Committee may make by that date.

(e) If the Committee is unable to complete its assignment within the time frame set out in subsection (d), a report to the House of Representatives may be made by the Committee requesting an extension of time.

The SPEAKER. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the motion to recommit that I am pleased to offer this afternoon is well tailored to the challenge that we have before us. It offers a framework for a full and a fair review by the House Committee on the Judiciary and a full and a fair review by the House of Representatives.

It assures that we give deference to the historical constitutional standard for impeachment, which has evolved to this House over two centuries. It assures ample time to consider carefully any of the facts that are contained in the referral sent to us by the Office of Independent Counsel, which rise to that constitutional standard.

It assures that the entire matter will be resolved promptly and that the Nation is not distracted by a prolonged inquiry.

Some Members, Mr. Speaker, would prefer that there be no review. Some would have us investigate, for more than a year, a wide range of matters. The resolution that we are offering through this motion to recommit steers a middle course, a careful review limited to the materials that are now before us.

With the rules we offer, the House will discharge its constitutional obligations in a manner that is both thorough and expeditious. I urge the approval of this motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, the motion to recommit will correct several of the most egregious problems with this resolution. If the amendment is not accepted, we will be voting for an inquiry that cannot end. So long as people send allegations to the committee, the committee will inquire and go on and on and on.

The amendment establishes a reasoned approach by which we would consider the allegations before us and come to a conclusion. This amendment would add focus to the deliberations because some of the Starr allegations are not worth inquiring into. In fact, the Republican counsel found some of the allegations so flimsy that he did not even mention them during his presentation to our committee, and many constitutional scholars have already expressed the view that none of the allegations amount to impeachable offenses and the question is not even close.

Finally, Mr. Speaker, make no mistake about it. A vote for this amendment is not necessarily a vote for an inquiry, because some who are for an inquiry and others who are against any inquiry all agree that if we are going to have an inquiry, it ought to be fair.

Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the democratic leader.

The SPEAKER. The gentleman from Missouri (Mr. GEPHARDT) is recognized for 3 minutes.

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

Mr. GEPHARDT. Mr. Speaker, it is almost a month to the day that we stood here and debated whether or not to release the materials that Ken Starr had sent to the Congress, and I tried to say at that time that this was a time of utmost importance, to us as a House of Representatives and to all of us as a people.

I said then and I repeat today that we are engaged now in what I believe to be a sacred process. We are considering whether or not to ultimately, if we get that far, overturn an election voted on by millions of Americans to decide who should be the chief executive officer of this country.

The last time we did this, Barbara Jordan, who I think really became the conscience of the period, said this, she said, ''Common sense would be revolted if we engaged upon this process for petty reasons.''

Congress has a lot to do. Pettiness cannot be allowed to stand in the face of such overwhelming problems.

She said, ''So today we are not being petty. We are trying to be big, because the task before us is big.''

I said the other day that this is a time to be bigger than we really are. We are all human. We all make mistakes. We all give in to pettiness and pride. We all give in to doing things wrong, for the wrong reasons. But this is a time when our Constitution and our people asked each of us to reach inside of ourselves, to be bigger and better than we really are.

In my view, we should not have two resolutions, or a resolution and an amendment out here today. I believe if we had succeeded in what we should be doing, we would have one resolution, agreed to by all 435 Members today.

The question is not whether to have an inquiry. The question today is what kind of inquiry will this be?

Our amendment is simple, and I think it is common sense. First, it says it must be focused. We operate under a statute that we passed from the independent counsel that said there could be referrals from the independent counsel on possible issues of impeachment, and we should take that up, and that is before us.

Our resolution says stick with those referrals. We listened to the complaints of the other side and we said, well, maybe there will be more referrals. So we have amended the language and we say if there are more referrals, we will deal with them as we should under the statute.

Second, it must be fair. The last time we had Watergate, the committee spent a good deal of time considering the standards and the history of impeachment so that all the members of the committee and on the floor would understand the historic process that we are involved in. None of us do this often. We do not think about this very often, so it is vital and important that we all know what it is we are doing and whether or not the facts that are out there rise as a prima facie case. That has not been done in this case.

Third time, we say let us get it over by December 31, before the new Congress comes into session. Why do we say that? We say that because we believe deeply that for the good of the country and the good of our people, this must be done by the end of this year, before there is a new Congress.

Why do we say that? We say it because we live in a dangerous world. The world economy is in a shambles. Our own economy is threatened. Issues like education and health care and economics need to be on the front burner of this Congress. That is what we must be working on.

If we stay here for 3, 6, 9, 12 months, 2 years in suspended animation while we go over every charge that is out there, we will hurt our country and our people and our children.

□ 1430

Now, the gentleman from Illinois (Mr. HYDE) has said, and I believe him, that we should do this by the end of the year. But he also said New Year's promises sometimes get broken.

The gentleman from Illinois has said that we should not be on a fishing expedition, but others in the party, I have heard even leaders in the party, the Republican Party, say, well, we have to look at Travelgate, and we have to look at Filegate, and we have to look at campaign finance, and we have to look at the Chinese rocket sales.

And they say it again.

I really have thought a lot about this. I have really thought a lot about it. I have tried to think to myself, what is our problem, and I think I have identified it. Our problem is we do not trust one another.

The majority says that if they use our language, that we are not going to do what we say we are going to do; that we are going to drag it out; that we are going to try to frustrate the purpose of having this inquiry. And all I say is, we have put our words and our actions to follow that belief. We have said if there are other referrals, we will take them up. We have said that if we get to the end of the year and we need more time, that the majority can come to the floor and more time will be granted. The Republicans run the House.

But when we see the majority's resolution, we do not see trust. Because the words that we are looking for; that we are going to try to get this over by the end of the year; that we are going to try to stick with these referrals and not go into everything under the sun and drag it out for 2 years, and it will

be a 2-year political fishing expedition, those words are not there.

Finally, let me say this. We are all profoundly hurt by what the President has done. He has deeply disappointed the American people and he has let us all down. But this investigation must be ended fairly and quickly. It has hurt our Nation and it has hurt our children. We must not compound the hurt.

I have asked every Democratic Member in these last days, I have asked every Member to search their heart and their conscience and to vote for what in their heart and their mind and their conscience they think is right. And I come to the floor today to ask every Republican Member to do the same.

This should not be a party vote today. This should be the attempt of every one of us, humble human beings, who come to this majestic place, where we settle our differences peacefully and not with violence, to say that I am voting for what in my heart and my mind is the best for the country and the best for the American people.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit, and I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

As we consider the motion to recommit, I would ask that the Members of the House on both sides of the aisle step back and consider the fact that what is proposed in the motion to recommit is without any precedent. There is no case in the 200-year history of the impeachment process in this country in which a process similar to the process which is proposed here has been followed. None at all. And I believe that is something that we should take very seriously.

I believe we also have to be aware that if we adopt the motion to recommit, we are setting a precedent today, and I believe it would be a terrible precedent, that would be fraught with the potential for harm stretching far into the future of our country.

Now, consider the process that this motion sets up: First, we are required to assume the truth of allegations, which the President and his lawyers vigorously deny. I do not think that is the right thing to do. We should find out what the truth is.

But while we are following this process, we put aside the weighing and the balancing of the facts and the judging of the credibility of witnesses. Having put aside our duty to weigh the facts and find the truth, we are then called on to make a solemn determination concerning whether impeachable offenses, committed in the assumed facts, which are denied by the President, are at some later point determined to be true.

This simply does not make sense. It will only cause delay. It has never been done before and it should not be done now.

I would ask the Members of the House to reject this contrived, ill-conceived procedure in the motion to recommit. We need to follow the precedent established in 1974, the precedent that the gentleman from Missouri has asked us to follow. We should support the resolution recommended by the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question before us in this motion to recommit is whether we should make ourselves slaves to the clock or attempt to find out the truth. And let there be no mistake about it, nobody's conduct is under investigation here but that of the President of the United States. And if he had not committed those things that the allegations have sent forth to us by the Independent Counsel, we would not be faced with discharging our awesome constitutional responsibilities.

This should not be a race against the clock. And do not take my word for it, take the word of a respected senior Democratic Member on the other side of the aisle, the gentleman from Indiana (Mr. LEE HAMILTON), who said yesterday, ''I have had a lot of experience with investigations. Time limits create large incentives for delay.'' Do not give anybody an incentive to delay and string this out by establishing an arbitrary time limit.

Now, my friends on the other side of the aisle have said that this will be a never-ending investigation. They have not read the twentieth amendment to the Constitution of the United States. The 105th Congress goes out of business on January 3, 1999. This resolution expires with the 105th Congress and would have to be renewed by a vote of the House on the opening day of the 106th Congress. So all of the arguments over here have been about just 3 days. I think that the gentleman from Illinois (Mr. HYDE), in following the Rodino precedent, and just almost adopting the Rodino resolution word for word, has done the right thing.

February 6, 1974, was the last time this House of Representatives had to do the sacred duty of commencing an impeachment inquiry. The gentleman from Illinois has patterned this resolution after the resolution introduced by Chairman Peter Rodino of New Jersey. There was bipartisanship on the Republican side of the aisle in commencing an impeachment inquiry along exactly the same lines against a Republican President. That vote was 404 to 4. I would ask my Democratic friends to be as bipartisan today as the Republicans were back in 1974 by rejecting the motion to recommit and joining with us to discharge our constitutional duty.

Mr. Speaker, I move the previous question.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 236, not voting 1, as follows:

[Roll No. 497]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Fazio
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—236

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox

Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—1

Pryce (OH)

☐ 1455

Mr. WAXMAN changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 176, not voting 1, as follows:

[Roll No. 498]

AYES—258

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—176

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Klink
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—1

Pryce (OH)

☐ 1512

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. VISCLOSKY. Mr. Speaker, Pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a Question of Privilege to the House in the form and resolution as follows:

Mr. Speaker, the resolution reads as follows:

A resolution, in accordance with House Rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the antidumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of

China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, have increased by 79 percent in the first 5 months of 1998 compared to the same period of 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and the Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of the United States trade laws to provide an effective responsibility to such situations:

Now, therefore, be it

Resolved by the House of Representatives, that the House of Representatives calls upon the President to:

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

The SPEAKER pro tempore (Mr. LATOURETTE). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days of its properly being noticed.

The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether or not the resolution constitutes a question of privilege will be made at the time designated by the Chair for the consideration of the resolution.

Mr. VISCLOSKY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a Question of Privilege.

The SPEAKER pro tempore. The gentleman shall be heard at the appropriate time.

Mr. VISCLOSKY. I thank the Speaker.

WAIVING ENROLLMENT REQUIREMENTS FOR REMAINDER OF 105TH CONGRESS WITH RESPECT TO ANY BILL OR JOINT RESOLUTION MAKING GENERAL OR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follow:

H. RES. 580

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

House Resolution 580 provides for the consideration in the House of House Joint Resolution 131, waiving certain enrollment requirements with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The rule provides 1 hour of debate on the joint resolution, equally divided and controlled by the majority leader or minority leader or their designees, and it provides for one motion to recommit.

For Members who may not recall, the law, sections 106 and 107 of Title I of the U.S. Code, requires enrolled bills, measures that have passed the House and Senate in the same form and require the President's signature to become law, it requires that these be sent to the President on parchment paper.

From what I understand, this is a very time-consuming effort, especially for measures as extensive as the anticipated appropriations measures. It is my understanding that to enroll these bills on parchment paper could take over a week on each one, on each piece of legislation, meaning the President would not be able to sign them for that period of time.

This type of joint resolution has usually been considered in the House in previous Congresses under a unanimous consent request. Unfortunately, attempts to reach a unanimous consent agreement were unlikely due to expected objections.

In fact, when we were in the minority, Mr. Speaker, in the 100th Congress, in 1987, during the consideration of the reconciliation legislation, Majority Leader Foley brought up an almost identical joint resolution waiving the parchment requirement for the enrollment of budget reconciliation and the full-year continuing resolution for fiscal year 1988.

Congressman Bob Walker, one of our parliamentary experts on our side of the aisle, asked Mr. Foley to explain if all the House was doing was to provide for the waiving of parchment copies, to which Mr. Foley responded in the affirmative. There was no objection from our side of the aisle, and the joint resolution was considered by unanimous consent.

However, because of possible anticipated objections certainly earlier in the week when we attempted to reach an agreement for unanimous consent, and because this type of joint resolution is not privileged, it requires a special rule to provide for its consideration.

Once these important bills have passed the House, enrollment on parchment paper will be the impediment keeping them from reaching the President's desk in a timely manner. Therefore, I would urge my colleagues to support this rule and the joint resolution so that these bills can be signed into law as soon as possible.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time.

This is a closed rule. It essentially reduces the printing requirements for the appropriation bills that are passed during the remainder of the Congress. It will speed up, though, getting these bills to the President for signature. It is necessary to make sure that the flow of money to the Federal agencies is not interrupted when the current funding expires.

As my colleague has described, this rule provides for 1 hour of debate equally divided and controlled by the majority leader and the minority leader or their designees.

Mr. Speaker, this is noncontroversial. It has been done before when we needed to speed the printing of completed bills. It was adopted by voice vote in the Committee on Rules, and I urge its adoption.

Mr. Speaker, I do not have any speakers.

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

Mr. DIAZ-BALART. Mr. Speaker, we as well have no further speakers.

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. THOMAS. Mr. Speaker, pursuant to House Resolution 580 just passed, I call up the joint resolution (H.J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 131 is as follows:

H.J. RES. 131

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States Code, are waived for the remainder of the One Hundred Fifth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations or continuing appropriations for the fiscal year ending September 30, 1999. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The SPEAKER pro tempore. Pursuant to House Resolution 580, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, as was just discussed, Mr. Speaker, this resolution allows us to, notwithstanding the law requiring enrollment bills on parchment, to enroll any bill or joint resolution in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment. That is the sum and substance of the bill.

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

Mr. GEJDENSON. Mr. Speaker, we have no objections to this particular proposition. It is part of the housekeeping efforts to keep us going and trying to get things done.

But, frankly, we are about to leave town, in my opinion, without getting some of the most important things we need to get done. There are seniors losing their HMO benefits across my State and much of the Nation. We are not addressing that issue. We are not addressing the issues of class size and the quality of education our kids get. We left campaign finance reform hanging around, lingering a slow death.

Mr. Speaker, some people said this is the least effective Congress in the history of this Union. I am not interested in rating the Congress. I am interested in dealing with these issues. Our seniors deserve to have a Congress that is engaged, and we should not be leaving until we deal with a couple of these critical issues. They are life-and-death issues.

Senator DODD and I had a meeting where one gentleman had a heart attack. He was so anxious about his health care policy and the company dropping him.

Mr. Speaker, again, we have no objection to this particular provision, but we do have an objection to the way this Congress has been run and the little it has done to deal with the needs of the American people.

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

Mr. THOMAS. Mr. Speaker, I will restrain myself and tell the gentleman I have no further speakers if he wishes to yield back the balance of his time.

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

Mr. THOMAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 28 minutes remaining.

Mr. THOMAS. Mr. Speaker, I have 28 minutes, and they have yielded back the balance of their time.

The SPEAKER pro tempore. The gentleman is correct.

Mr. THOMAS. Mr. Speaker, let me indicate that I will yield back the balance of my time as well.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to House Resolution 580, the previous question is ordered.

The question is on engrossment and the third reading of the joint resolution.

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

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. THOMAS. Pursuant to House Resolution 575, I announce the following suspensions to be considered today:

H.R. 2675, Federal Employees Life Insurance and S. 2561, Fair Credit Reporting.

□ 1530

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the provisions of clause 5 of rule 1, 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, shall be taken later in the day.

AUTHORIZING AWARD OF CONGRESSIONAL MEDAL OF HONOR TO THEODORE ROOSEVELT

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2263) to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

The Clerk read as follows:

H.R. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to award the congressional Medal of Honor posthumously to Theodore Roosevelt, of the State of New York, for his actions in the attack of San Juan Heights, Cuba, during the Spanish-American War on July 1, 1898. Such an award may be made without regard to the provisions of section 3744 of title 10, United States Code, and may be made in accordance with award criteria applicable at the time of the actions referred to in the first sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Pennsylvania (Mr. MCHALE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

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

Mr. Speaker, on September 28 I chaired a Subcommittee on Military Personnel hearing that examined the evidence supporting the award of the Medal of Honor to Theodore Roosevelt for his valor on July 1, 1898, during the Battle of San Juan Hill in the Spanish-American War.

During the hearing we heard compelling testimony about the courage and decisiveness of Theodore Roosevelt from two of our colleagues who studied his actions that day in great detail, the gentleman from New York (Mr. LAZIO) and the gentleman from Pennsylvania (Mr. MCHALE).

We learned the details of the military battle that day and the political battle that followed from the historians, Dr. John A. Gable, the executive director of the Theodore Roosevelt Association, and Mr. Nathan Miller, the author of the biography ''Theodore Roosevelt, A Life.''

Mr. Speaker, finally, we also heard from Mr. Tweed Roosevelt, the great-grandson of Theodore Roosevelt. We heard about the man Theodore Roosevelt, a man of immense energy and intelligence and a family man, a man of unwavering moral fiber, a man of immense stature in the history of this Nation, and the great impact that he had upon his four sons. Then we stop and think about the fact that this is a family that lost four sons in a uniform, three in World War I and one in World War II.

Mr. Speaker, we are honored today to have Mr. Tweed Roosevelt in the gallery to witness this historic celebration of an important moment in the

life of his great-grandfather. On behalf of myself and the Committee on National Security and the House of Representatives, I would like to thank Mr. Roosevelt for being here today to represent his family and to share this moment with us.

We can talk about the greatness of the man in Theodore Roosevelt, about his fidelity and his honor and his integrity, and we recognize that these are attributes for which there is no disagreement on this House floor with regard to this President. But what we must focus on is not about the life of the man and how he led it and his impact upon not only his family and the Nation, we have to focus on what happened, as was documented by evidence that occurred at the Battle of San Juan Hill in San Juan Heights. It is his heroic performance, the documented evidence that it did meet the established standard for the award of the medal at the time.

I would like to summarize the evidence of Theodore Roosevelt's heroism that I found instructive. The extraordinary nature of his bravery was confirmed by superiors, subordinates and other eyewitnesses. His willingness to expose himself to the most extreme hazards of the battle, as evidenced by a number of people killed or wounded around him, and his decision to lead the charge on horseback, the only mounted man in the attack, demonstrated an utter and complete disregard for his own life. Such qualities at least equaled the selfless service of those who were awarded the Medal of Honor for service that day, most for rescuing wounded comrades under fire.

His raw courage and fearless, bold and decisive action in leading these two charges when other commanders and officers around him hesitated to do so saved lives. Not only did his actions save lives on that day, but his conspicuous action and valor changed the course of the battle and clearly set him apart from his contemporaries.

His recommendation for the Medal of Honor came from two officers: Major General William Shafter and Colonel Leonard Wood, who were most qualified to judge whether the extraordinary bravery and nature of Roosevelt's actions qualified for the award of the medal since previously both had been awarded the medal themselves.

Mr. Speaker, I, as chairman of the Subcommittee on Personnel, get many different requests to somehow reshape or change the course of history, whether some unit is entitled to this form of citation, or someone should have been promoted that was unjustly, or even overturned courts-martial is correct, and I am always very hesitant to take my judgments of the day and replace them for the judgments of those who are were there at the time.

What is clear to me about this case, about Theodore Roosevelt and the Medal of Honor, was that it was the military that recommended that he receive the Medal of Honor. That is what got my attention the most. And it was my dear friend, the gentleman from Pennsylvania (Mr. MCHALE), who sat me down and made me focus, and he pointed something out to me that was very intriguing, and it was to focus upon the individual of whom recommended and the individual of whom endorsed the Medal of Honor.

When I think of Colonel Leonard Wood, there is a fort named after Colonel Leonard Wood in Missouri. His rank, he was the assistant surgeon of the United States Army and he received the Medal of Honor himself, and he did that because voluntarily he carried out dispatches through the region infested at the time with hostile Indians, making a journey of 70 miles in one night and walking 30 miles the next day; also, for several weeks while in close pursuit of Geronimo's band, and constantly expecting an encounter, commanded an attachment of infantry which was then without an officer and to the command which he was assigned upon his own request.

The individual that endorsed the Medal of Honor was Major General William Shafter, who is a recipient of the Medal of Honor himself. At that time during the Civil War, he was a lieutenant. He was engaged in a bridge construction, and he was not being needed, and then he returned with his men to engage with the enemy, participated in a charge across an open field that resulted in casualties to 18 out of 22 of his men. At the close of the battle, with his horse shot out from underneath him, and he was severely wounded, he remained on the field that day and stayed to fight the next day, only to have his wounds finally take him aside.

So when I think about where in our history have we ever had two individuals who were recipients of the Medal of Honor themselves recommend someone else receive the Medal of Honor. These are two individuals who understand what it means to be awarded the medal, and that is where I give the most credibility.

Mr. Speaker, in the absence of records, and to substantiate why the decoration was disapproved at the time, I believe there is credible evidence that politics and not an honest assessment of his valor was the prime consideration for the evaluation of Theodore Roosevelt's recommendation for the Medal of Honor. There is no doubt in my mind that then Secretary of War Russell Alger and the McKinley administration were acutely embarrassed by press reports generated by Roosevelt's criticism of Alger's decision not to return the troops home after the war because the administration feared a yellow fever epidemic in this country. When the troops were returned home shortly after the exposure of the issue to the press, it was painfully clear that Secretary Alger resented Theodore Roosevelt's involvement.

Mr. Speaker, the evidence supporting the award of the Medal of Honor to Theodore Roosevelt is overwhelming.

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

Mr. MCHALE. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, today we are considering H.R. 2263, a bill to authorize the President to award the Congressional Medal of Honor to Theodore Roosevelt for his historic charge during the Battle of San Juan Heights. I am pleased to join my colleague, who should have been Secretary of the Navy, the gentleman from Pennsylvania (Mr. MCHALE) in cosponsoring this legislation.

Teddy Roosevelt's charge up Kettle Hill at San Juan Heights is one of the most inspiring moments in our Nation's history. His bravery and gallantry demonstrates how one man's initiative can change the course of a battle. For his bravery he was nominated for the Congressional Medal of Honor. However, it was never bestowed by the Secretary of the Army.

Mr. Speaker, the Medal of Honor is the highest award our Nation can bestow, and, therefore, we should not confer this honor lightly. However, we must recognize the standards for awarding the medal at that time were not the same as the standards for awarding it now. We need the Department of Defense to examine this case on its merits in light of the others who won the Medal of Honor during that engagement.

The Subcommittee on Military Personnel recently held a hearing on the case for awarding the Medal of Honor, the award that Colonel Roosevelt valued so highly and that his superiors so clearly wanted to give him. While I was unable to attend this hearing because of the hurricane that was in south Mississippi last Monday, I understand that witnesses unanimously reaffirmed the case for awarding the medal. I hope this legislation will give the Department the chance to do the same.

Mr. Speaker, while I have the chance, I would like to take this opportunity to commend the bill's author, the gentleman from Pennsylvania (Mr. MCHALE). PAUL has not been a Member of Congress as long as some others, but he has served this body extremely well. He was asked by the President to serve as the Secretary of the Navy and declined, and was one of a very few people on this side of the aisle who felt that the best thing for our country, regardless of partisan politics, was to ask the same man who offered him the job of Secretary of the Navy to resign.

I think the gentleman from Pennsylvania (Mr. MCHALE) is the kind of people that we need more of in Congress. I regret his departure, and I am honored to have cosponsored this bill with him.

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. SOLOMON),

the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the great American from Indiana, and I also want to commend another great American from Pennsylvania (Mr. MCHALE). I praise him for a different reason. He was a good marine, he is still a good marine, and that is why I salute him and admire him so much.

Mr. Speaker, I really am pleased to rise in strong support of this bill. Theodore Roosevelt is universally recognized as one of the most popular and significant public figures in American history, and we New Yorkers are particularly proud of him as the greatest Republican in the history of our State.

He was a man who devoted his life to fighting for what he called a ''square deal,'' my colleagues remember that, for every American. His name is synonymous with the principles of fairness, justice, love of nature and the highest standards of morality and ethics, standards that he maintained both in public and private life.

So it is a proud moment for me to endorse his receiving the Medal of Honor. This bill will correct the miscarriage of justice which denied him the Medal of Honor during his own lifetime, despite the strong recommendations on his behalf by superior officers and others with whom he served in the Spanish-American War.

Mr. Speaker, not only have I had the privilege of representing the home of Franklin Delano Roosevelt in Hyde Park, New York, but I also represent the Adirondack Mountains where President Theodore Roosevelt spent much of his time. I would like to take just the rest of my time to tell a little-known story about the circumstances that surrounded Theodore Roosevelt's accession to the Presidency.

When President McKinley was shot in Buffalo, New York, then-Vice President Roosevelt rushed to the scene. Upon being assured by doctors that the President was out of danger, Roosevelt joined his family for a camping and hiking trip in the Adirondack Mountains up where I live, and, Mr. Speaker, on the afternoon of September 13, 1901, Roosevelt and several hiking companions were descending from Mount Marcy, one of the most beautiful mountains in the Adirondacks, when word came that the President's condition had taken an unexpected turn for the worse.

They then hiked 12 miles in 3 hours and 15 minutes through the woods to reach a lodge where Mrs. Roosevelt was staying and they could await developments. And at 10 p.m., word came the President was sinking rapidly.

Roosevelt set out from there in a single horse-drawn carriage on a breakneck ride through the night in a thickly-forested area to reach the railroad station at North Creek, New York. The horse and driver were changed twice en route, and Roosevelt covered 34 miles in a little over 6 hours. In the final relay, he covered 16 miles in just one hour and 41 minutes, and I challenge anybody to do that. Upon his arrival at North Creek just after dawn on September 4, 1901, Theodore Roosevelt was informed that he was the 26th President of the United States of America. It was exactly 43 days before his 43rd birthday. He then boarded the train for Buffalo and was formally sworn in later that day.

Today, in my congressional district, there is a plaque that marks the approximate spot where Roosevelt was in his mad dash through the night at the moment that McKinley died. It was at that moment in that spot that he became the President of the United States of America.

Mr. Speaker, let me just conclude by making one more point. Theodore Roosevelt's wartime exploits are well-known. Perhaps less well-known today is the fact that he was the very first American person to receive the Noble Peace Prize. He was awarded that singular honor in 1906 in recognition of his successful effort to negotiate settlement in the Russo-Japanese War. Roosevelt's role as a peacemaker provides a very interesting counterpart to his role as a soldier.

□ 1545

It is for that later role that we give him this due recognition today in awarding him that Medal of Honor. I just commend my good friend and former marine, the gentleman from Pennsylvania (Mr. PAUL MCHALE) for bringing this badly needed legislation to the floor, finally.

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

Let me first of all thank the gentleman from New York (Mr. SOLOMON) for his very nice remarks. I would point out to the gentleman from New York that the carriage to which he made reference is today on display in the Adirondack Museum at Blue Mountain Lake. My family and I had the opportunity to view that carriage a few years ago.

Let me also thank the gentleman from Mississippi (Mr. TAYLOR) for the kind personal remarks that he directed toward me. In the interest of complete truth, I want to make it clear that I withdrew my name for consideration as Secretary of the Navy before the President had made any final decision, and before any offer had been made to me.

Moving on to what is truly important, the combat record of Theodore Roosevelt, I rise to recommend to the membership of the House that the Medal of Honor be granted to former President Theodore Roosevelt.

On July 1, 1898, Lt. Col. Theodore Roosevelt of the 1st Volunteer Cavalry led an extraordinary charge on San Juan Heights, located on the island of Cuba during the Spanish-American War. Eyewitness accounts indicate that Colonel Roosevelt distinguished himself by, and I quote, ''displaying the greatest bravery, and placing his life in extreme jeopardy by unavoidable danger to severe fire.''

I have had conversations in recent days with the Acting Secretary of the Army and the Secretary of the Army, where a position was presented to me that although Theodore Roosevelt had been brave on that day, they indicated it did not appear, based on the Army's analysis of the recommendation, that the courage shown by Theodore Roosevelt was extraordinary by comparison to other officers of similar rank and responsibility.

Mr. Speaker, I have been a Member of this Congress for 6 years. I have been a United States Marine for 26 years. I would like to state in the strongest possible personal terms that the valor displayed by Theodore Roosevelt that day, July 1, 1898, was absolutely extraordinary, breathtaking. If anything, history has not credited to Theodore Roosevelt the full measure of courage that he showed under fire.

I respectfully submit, for reasons that I find inexplicable, the Army has failed to appreciate his leadership at that time and place. I believe, however, the record of contemporaneous correspondence captures full well the point that I am making.

As I read these accounts of men with him during the battle, I ask Members to determine whether or not the courage that Theodore Roosevelt showed that day was extraordinary, and whether or not, in light of observations of those who were there, he did indeed earn the Medal of Honor.

July 6, 1898, just 5 days after the battle, to the Adjutant General, Washington, D.C.:

> Sir, I have the honor to recommend Colonel Theodore Roosevelt, 1st U.S. Voluntary Cavalry, for the Medal of Honor for distinguished gallantry in leading a charge on one of the entrenched hills to the east of the Spanish position in the suburbs of Santiago de Cuba July 1, 1898, very respectfully, Leonard Wood, Colonel U.S. 1st Volunteer.

First endorsement, 3 days later, July 9, 1898:

> Earnestly recommended, Joseph Wheeler, General, U.S. Volunteers, commanding, a gentleman who returned to active duty as a commanding officer from this very body where he was at that time serving as a member of the United States House of Representatives.

Second endorsement, July 9, 1898, Respectfully forwarded to the Adjutant General of the Army:

> Approved; William R. Shafter, U.S. Volunteers, commanding.

The recommendation, Mr. Speaker, then went to Secretary of War Alger. From that point forward, what was purely a military recommendation, based on extraordinary courage under fire, became mired in unrelated tangential and unfortunate politics.

Let me read the firsthand observations of those who witnessed Theodore Roosevelt's courage:

Headquarters, United States Military Academy, April 5, 1899.

> My duties on July 1st, 1898, brought me in constant observation of and contact with Colonel Roosevelt from early morning until shortly before the climax of the assault of

the Cavalry Division on the San Juan Hill, the so-called Kettle Hill. During this time, while under the enemy's artillery fire from El Poso and while on the March from El Poso to San Juan fjord, to the point from which his regiment moved to the assault about 2 miles, the greater part under fire, Colonel Roosevelt was conspicuous above any others I observed in his regiment in zealous performance of duty, in total disregard of his personal danger, and in his eagerness to meet the enemy.

At El Poso, when the enemy opened on that place with artillery fire, a shrapnel bullet grazed one of Colonel Roosevelt's wrists. The incident did not lessen his exposure under fire, but he continued so exposed until he had placed his command under cover.

In moving to the assault of San Juan, Colonel Roosevelt was most conspicuously brave, gallant, and indifferent to his own safety. He, in the open, led his regiment. No officer could have set a more striking example to his men or displayed greater intrepedity.

Very respectfully, your obedient servant, Colonel, U.S. Army, Superintendent of West Point.

The second piece of correspondence, December 17, 1898:

I hereby certify that on July 1, 1898, Colonel, then Lieutenant Colonel, Theodore Roosevelt, 1st Volunteer Cavalry, distinguished himself throughout the action, and on two occasions during the battle when I was an eyewitness to his conduct, was most conspicuous and clearly distinguished above other men as follows:

Number one, at the base of San Juan, or first hill there was a strong wire fence or entanglement in which the line hesitated under grueling fire and where the losses were severe.

Mr. Speaker, I would insert parenthetically that Roosevelt's unit that day sustained higher casualties than any other unit engaged in the battle.

Returning to the text:

Colonel Roosevelt jumped through the fence, and by his enthusiasm, his example and courage, succeeded in leading to the crest of the hill a line sufficiently strong to capture it.

In this charge, the cavalry division suffered its greatest loss, and the Colonel's life was placed in extreme jeopardy owing to the conspicuous position he took in leading the line and being the first to reach the crest of that hill while under heavy fire of the enemy at close range.

Number two, at the extreme advance position occupied by our lines, Colonel Roosevelt found himself the senior, and under instructions from General Sumner to hold that position, he displayed the greatest bravery and placed his life in extreme jeopardy by unavoidable exposure to severe fire while adjusting and strengthening the line, placing the men in positions which afforded best protection; and his conduct and example steadied the men by severe but necessary measures to prevent a small detachment from stampeding to the require.

He displayed the most conspicuous gallantry, courage, and coolness in performing extraordinarily hazardous duty. Captain, 1st Lieutenant, U.S. Cavalry.

December 30, 1898:

I have the honor to recommend that Theodore Roosevelt, late Colonel of the 1st Volunteers, U.S. Cavalry, receive the Medal of Honor as a reward for conspicuous gallantry on July 1st, 1898. Colonel Roosevelt, by his example and fearlessness, inspired his men at both Kettle Hill and the ridge known as San Juan. He led his command in person, and I witnessed Colonel Roosevelt's action.

I hereby certify that on July 1st, 1898, at the Battle of San Juan, Cuba, I witnessed Colonel Roosevelt, then Lt. Col. Roosevelt, First Volunteer Cavalry, United States Army Mounted, leading his regiment in the charge on San Juan. By his gallantry and strong personality, he contributed most materially to the success of the charge of the Cavalry Division up San Juan Hill.

Mr. Speaker, I have further eyewitness documentation, but in the interests of time, let me simply conclude by speaking extemporaneously.

Those who served with Theodore Roosevelt never doubted his courage. The men who went up the hill with him that day for the rest of his life and for the rest of their own, remembered a man of extraordinary courage who, in time of battle, displayed himself to enemy fire with absolute fearlessness.

There is absolutely no historic doubt that after being recommended by his commanding officer, as pointed out by the gentleman from Indiana (Mr. BUYER), himself a recipient of the Medal of Honor, and the two senior officers next in the chain of command, Theodore Roosevelt was denied the Congressional Medal of Honor because he was then publicly engaged in an unrelated political dispute with the Secretary of War, who never quite found time to sign the recommendation that had been fully endorsed by the military chain of command.

After Theodore Roosevelt died, his widow, Edith, said that having been recommended for the Congressional Medal of Honor and having not received it was one of the most significant disappointments of Roosevelt's' life.

Let me conclude with this, Mr. Speaker, if I may. I admire Theodore Roosevelt, the President, tremendously, but after 26 years as a United States Marine, I would not recommend any man, including Theodore Roosevelt, for the Congressional Medal of Honor unless I believed deep in my heart that he had, through the display of valor, earned that decoration in battle. Mr. Speaker, I am absolutely convinced that that was the case.

Because of political intervention, a man who later became President of the United States but who on that day was simply a very, very brave lieutenant colonel was denied the medal for which he had been properly recommended.

It has been 100 years. Mr. Speaker, we today, in the memory of a great President and perhaps an even greater warrior, we have the opportunity to reverse a century of injustice by granting to Theodore Roosevelt, not President Roosevelt but Lt. Col. Theodore Roosevelt, the medal that he earned in battle.

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

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the gentleman from Long Island, New York (Mr. LAZIO), who has worked very hard on this, along with the gentleman from Pennsylvania (Mr. MCHALE).

Mr. LAZIO of New York. Mr. Speaker, I want to begin by thanking the gentleman from Indiana (Mr. BUYER) for his leadership in bringing this to the floor. I also would like to acknowledge the great work of many different people who are not here in the Chamber, but who were instrumental in giving us the factual basis for this, including the Theodore Roosevelt Association, Tweed Roosevelt, James Roosevelt, and many others.

I rise in strong support of this bill to authorize the President to award the Medal of Honor to that great Long Islander, Theodore Roosevelt. Teddy Roosevelt was a man of honor, a man who held tightly to his ideals and stayed true to them in the face of adversity. The gentleman from Pennsylvania (Mr. PAUL MCHALE) too is such a man, and I cannot think of a more fitting tribute before he leaves this House than to pass this bill and to have it signed into law.

Theodore Roosevelt is a personal hero of mine. His leadership at the Santiago Heights is one of the reasons I admire him so. There were legions of men on the battlefield that day, and Teddy Roosevelt was just one, but unique among many, he seized the moment, cast aside all regard for personal safety, and he made history. He made history because of a choice he made in the face of danger, in the face of death. While we generally do not have to guard our lives because of the decisions we make here, we do have to guard our honor. I look to Theodore Roosevelt as an inspiration.

As has been remarked earlier, Roosevelt was a great President and a great statesman, a Nobel Peace Prize winner, an author, a conservationist, a reformer, a trustbuster, a great Commissioner of Police in New York City, a great Governor of the State of New York.

But for none of those reasons are we here today, as the gentleman from Pennsylvania (Mr. MCHALE) said. It is because of what he did on that fateful day on July 1, one hundred years ago.

We speak more and more about role models in our society. Roosevelt was a role model of the first order. He told the truth. He did what he promised to do. He was an acknowledged inspiration to another Roosevelt, Franklin Delano. He remains a role model for all Americans.

The same character that made Theodore Roosevelt a role model also made him a hero. America could use some of that character right now. Today we have the marvelous opportunity to correct an injustice and complete the historical record. We have an opportunity to help grant Theodore Roosevelt the Medal of Honor that he so richly deserved 100 years ago. He does not deserve it because of what we say now in this Chamber, but because the historians and his contemporaries tell us he does.

Roosevelt's heroism on July 1 of 1898 has been documented. With his cavalry

pinned down and taking heavy casualties, he fearlessly, on horseback, charged Kettle Hill, armed only with a revolver, knowing that his men would follow. The Rough Riders' heroic assault, with the brave Buffalo Soldiers and others, assured a quick victory, seized the high ground, and saved many lives.

Despite being recommended for the Medal of Honor by his superiors and subordinates alike, including those that have been referenced who have won the Medal of Honor themselves, the Secretary of War, Russell Alger, denied the medal out of personal dislike for Roosevelt.

Many others disagreed about this, but it was clear the medal was not denied on the merits; some say it was because Roosevelt called to have his troops brought back so they would not face further losses as a result of yellow fever, some because they felt Roosevelt was so exuberant, some because Roosevelt was simply a volunteer. But it was not based on the merit.

The Medal of Honor citation for Lt. Col. Wendell Neville during the Mexican Campaign of 1915 could easily be inserted in a citation for Theodore Roosevelt. It reads as follows:

> His duties required him to be at points of great danger in directing his officers and men, and he exhibited conspicuous courage, coolness, and skill in his conduct of the fighting. Upon his courage and skill depended, in great measure, success or failure. His responsibilities were great and he met them in a manner worthy of commendation.

In the modern age, individual cases of heroism occur, but the weapons of today open opportunities for unprecedented individual achievements in combat.

In the formal application I have submitted to the Army I cite the action of a Platoon Sergeant McLeery during the Vietnam War. McLeery single-handedly assaulted a hilltop Vietnamese bunker complex, firing his machine gun from the hip and tossing grenades at the enemy. Upon reaching the top of the hill, McLeery shouted encouragement to his platoon, who then joined him in the assault. McLeery then began a lateral assault on the bunker line.

□ 1600

His modern weapons made possible the damage; however, his success was due to his leadership and his courage. The Medal of Honor is not made of machine guns, grenades, or killed enemies, but of uncommon valor, of courage, and of leadership. Strip away the weaponry, and Roosevelt's leadership and courage at Santiago is of the same caliber.

A hundred years ago an error was made. It is time to right this wrong. It is time to give Theodore Roosevelt the medal he earned in the closing years of the last century. It is time for justice.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. COX) the chairman of the policy committee.

Mr. COX of California. Mr. Speaker, I rise in support of this resolution to recognize Theodore Roosevelt with the Medal of Honor, and in support of the two veterans of the armed services, the gentleman from Indiana (Mr. BUYER) and the gentleman from Pennsylvania (Mr. MCHALE) who have dignified us with this effort to bring it to the floor.

Mr. Speaker, I want in particular to recognize one of those two sponsors, because he is going to be leaving us at the end of this Congress which is close upon us. I listened the gentleman from Pennsylvania read about Teddy Roosevelt and describe to us the qualities that he possessed and the very reasons that he should receive this honor.

Mr. Speaker, during the gentleman's tenure in Congress, he has been exposed to severe fire, metaphorically, but nonetheless truly. He has led his colleagues and his countrymen by his conduct and his example.

I came to work with the gentleman from Pennsylvania when the President was preparing to send troops to Bosnia, and I know the gentleman from Indiana (Mr. BUYER) did as well. In meetings with him, with the President, the Vice President, the Secretary of State, and other Members of the administration, the gentleman from Pennsylvania was always enormously well prepared, always articulate, and always made his points with compelling logic.

His patriotism has always been evident. Upon his retirement, we can do no less than to honor him by passing this bill and by recognizing that the extraordinary qualities that Teddy Roosevelt displayed are qualities that the gentleman also possesses.

Mr. MCHALE. Mr. Speaker, I thank the gentleman from California for his kind words.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. ROHRABACHER), a dangerous proposition in this case.

Mr. ROHRABACHER. Mr. Speaker, I find myself on this side of the aisle in order to honor the gentleman from Pennsylvania (Mr. PAUL MCHALE) and thank him very much. I would like to associate myself with the remarks of the gentleman from California (Mr. COX). I think that he summed up the admiration that all of us have for the gentleman from Pennsylvania and an admiration that will go with him in the years ahead.

Mr. Speaker, it was 100 years ago this year that Teddy Roosevelt led his Rough Riders in the Battle of San Juan Hill, which was a decisive battle of the Spanish-American War. History has long overlooked the significance of that battle and the significance of that war, as well as the heroism of Colonel Teddy Roosevelt.

Had the battle of San Juan Hill been lost, America's expeditionary force would likely have been stuck into a no-win conflict, mired down with thinning ranks, troops being thinned, yes, from disease and from lack of competence on the part of our own country in terms of the art of fighting a war.

In fact, at that time we did not know how to transport our troops. We did not know how to supply our troops. And many more of those people who volunteered, those young heroes who volunteered during the Spanish-American War died of eating tainted meat than they did from enemy bullets, because our country did not have the expertise. And if it had not been for the determination and the courage and the gallantry of men like Theodore Roosevelt, that war would have turned out differently.

We need to ask ourselves as Americans, as we look back on this long forgotten war in the last century, what would the America that we know have been like had we lost that war? Most certainly had we lost that small war, America's attitude towards involvement in the world would have been totally different. The American ''can do'' consciousness that was so much a part of the 20th century would not have been a part of the decision-making process of our leaders and of our people when the great threats to all mankind emerged in the 20th century. That of Naziism, Fascism, Japanese militarism, and communism.

Instead, America faced the 20th century with a positive sense of destiny; that we were meant to be a positive force in the world. This can be tied back to the success of that small war, that forgotten war, the Spanish-American War and Teddy Roosevelt's pivotal moment in American history.

Teddy Roosevelt, in leading his troops up San Juan Hill, showed as much gallantry, and we have heard the evidence today, as our Medal of Honor winners. He exposed himself to the withering fire of the enemy and literally led his troops on horseback and making a target out of himself.

Yes, Teddy Roosevelt deserved the Nation's highest award and politics, as we heard, got in the way. Let us today pay this long overdue honor to this American President and this American hero.

Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. BUYER), and also like to say thanks to my good friend and colleague the gentleman from Pennsylvania (Mr. MCHALE) who is going to be leaving this House, but he will be with us. Thanks to his efforts, we are expressing the appreciation in this long overdue tribute.

Teddy Roosevelt's courage and leadership in this battle, and his indomitable spirit, did much to shape the American character. We are giving him thanks today. It has also been stated by another friend who is also leaving, the gentleman from New York (Mr. SOLOMON) that Teddy Roosevelt was also the winner of the Nobel Prize. And if we succeed today, and I hope we do and I hope this goes through the legislative process, Teddy Roosevelt will be the only individual in history to have

earned both the Medal of Honor and the Nobel Peace Prize. I think that is a fitting tribute for a man who represented so much and did so much to shape the 20th century, the American century.

Mr. Speaker, I rise in support of this resolution.

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

Mr. Speaker, as I reviewed this case, a list of words come to mind. I want to share them. They are words that come to mind with regard to Teddy Roosevelt and his gallantry. They are virtues and ideals and values that we can all admire. I think about valor, bravery, gallantry, courage. He was audacious. He was bold. He was dauntless, fearless, gutsy. He had intrepid character. He was valiant, stalwart, steadfast. Yes, venturesome and daring.

And then I add three more: Bold-hearted, brave-hearted and lionhearted.

Those words, yes, apply to Teddy Roosevelt and his conspicuous valor and gallantry on that day, and that is why I believe this House should overwhelmingly pass this resolution to authorize the President of the United States to award the Medal of Honor to one of our great presidents, Theodore Roosevelt.

Let me conclude and say to my very dear friend, as you go home to your family, this Congress will miss you, the country will miss you, but more importantly, I am going to miss you, my friend.

When I think about bold-hearted and brave-hearted and lion-hearted, I think of PAUL MCHALE, because your heart is in the right place, my friend. Godspeed to you, and that phone is two-way. Do you hear me?

Mr. MCHALE. I do.

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

Mr. MCHALE. Mr. Speaker, I yield myself such time as I may consume for concluding remarks.

Mr. Speaker, is it too late to announce my reelection campaign? Had all these nice things been said about me a year ago I might have run again.

Mr. Speaker, Mr. Roosevelt, Tweed Roosevelt, I am delighted and honored that you are here with us today. Throughout the entire presidency of Theodore Roosevelt our forces were never ordered into battle. Theodore Roosevelt understood that the ultimate purpose of military power is to deter conflict and he, in fact, achieved that goal during his presidency.

I have had the opportunity on a number of occasions to go to the Roosevelt Room at the White House, where the Nobel Prize awarded to Theodore Roosevelt for his efforts in negotiating a peace in the Russo-Japanese War remains on display.

I can think of nothing more fitting for Theodore Roosevelt and in fact I can think of nothing more emblematic of our Nation than one day, following this action, to have the Congressional Medal of Honor on that mantle for display immediately adjacent to the Nobel Peace Prize.

We are a nation that reveres peace. We do all that we can to achieve peace, and we are prepared to go to war only in those cases when necessary to defend the fundamental interests and liberty of the citizens of our Nation.

We abhor war. We strive for peace. Those two medals, side-by-side, on display in the Roosevelt Room, would capture much of Theodore Roosevelt and all that is good in our Nation.

Mr. Speaker, in a couple of moments, when it is procedurally proper, I am going to call for a recorded vote. We have little time remaining in this Congress. It is imperative that the other body act within the next 24 to 48 hours. In order to impress upon the other body the sincere, overwhelming support of the membership of this House, I will call for a recorded vote so that the transmittal of that voting tally may, on the other side of the Capitol, provide an incentive for prompt consideration in the other body.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Before putting the question, the Chair would remind all Members that pursuant to clause 8 of rule XIV it is not in order to recognize or call to the attention of the House any occupant in the gallery.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 2263.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

FURTHER PROVIDING FOR CONSIDERATION OF H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–798) on the resolution (H. Res. 584) further providing for consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 584

Resolved, That during consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, in the Committee of the Whole House on the state of the Union pursuant to House Resolution 564—

(1) general debate shall not exceed one hour; and

(2) amendments numbered 2 and 3 in House Report 105–762 shall be in order before consideration of any other amendment.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for one hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend from Fairport, 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 will be for purposes of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule provides for further consideration of the bill H.R. 4274, the Departments of Labor, Health and Human Services and Education appropriations bill for 1999, pursuant to H. Res. 564.

The bill will afford 60 minutes of general debate divided equally between the chairman and the ranking minority member of the Committee on Appropriations.

This rule makes in order, before consideration of any other amendments, the amendments numbered 2 and 3 that were printed in the report of the Committee on Rules that accompanied H. Res. 564.

Mr. Speaker, the House last week passed a rule to provide for consideration of this appropriations bill, the single largest appropriations bill that comes before the Congress. The health care, medical research, education and job training programs provided for in the bill touch the lives of tens of millions of American families. For that reason alone, the bill deserves consideration on the floor of the People's House.

Mr. Speaker, we all know that this bill is immersed in highly charged social issues and is very controversial. Some may be uncomfortable with those debates but they are a fact of life when Federal Government programs impose on areas of daily life which for so long were outside the purview of Washington, D.C.

When that happens, deep and often emotional questions about values will be raised. We can expect nothing less. I applaud the work of my friend from Wilmette, the gentleman from Illinois (Mr. PORTER), for tackling the challenges put before his committee in as commendable a fashion as possible. His bill deserves a fair hearing on the House floor.

□ 1615

This rule, that was already approved by the House, along with this modification, will allow us to engage in what will certainly be a spirited debate that is worth having. I urge Members on both sides of the aisle to recognize that fact and support this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. DREIER), for yielding me the customary half-hour, 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, this rule is unprecedented. The House has already passed an open rule for the consideration of the Labor-HHS and Education bills. The second rule we are being asked to approve tonight is a rule that will block any real consideration of that bill.

Instead, this rule's extraordinary procedure is designed to give a single special interest group a vote that it wishes to use in a voter scorecard before the election. Once we take that vote, the appropriations bill will be pulled from the floor.

Subverting the House's legislative process for this cynical political ploy typifies the majority's actions this entire session. The do-nothing majority continues to put its own special interest politics before the public good. We have seen bill after bill manipulated for partisan purposes, forcing Members to take votes for purely partisan political reasons. We knew these bills would never be enacted into law, but each provided a sound bite for some special agenda.

In the meantime, this majority has failed in its most basic responsibility. For the first time since the Congressional Budget Act was passed 24 years ago, Congress has not passed a budget resolution. The law requires action on a concurrent budget resolution by April 15. That is many months ago. Six months later, the majority has still failed to pass a resolution.

Today, 8 days into the new fiscal year, only one of the thirteen appropriations bills has been signed into law, and only three other appropriations bills have even been sent to the President. On October 8, with nine appropriations bills still in the legislative process, and with only 2 remaining scheduled legislative days, the House is being asked to again ignore its statutory responsibilities.

Today, we are not taking up the Labor-HHS-Education bill in order to move the process to a conclusion. A rump ''conference committee'' has been working on this bill for several days and this version is no longer the basis for further action. This new rule is designed solely to force a House vote on two contentious legislative amendments that amend a portion of the bill containing legislative language that does not even belong in the bill.

The rule would enable the House to proceed directly to a vote on a controversial provision in the second title of the bill, directly leaping over the Labor Department provisions and ignoring a number of important issues and amendments that deserve a full and fair debate in this chamber. Instead, the House would debate immediately an amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD) and a substitute to be offered by the gentleman from Oklahoma (Mr. ISTOOK) regarding parental consent for title X contraceptives distributed to minors.

Now, why is it so vital the House single out those two particular controversial amendments? There is only one reason. The majority has promised its far-right allies this vote to provide campaign fodder for the November election.

This is hardly a new issue. The House has voted on parental consent issues many times, most recently on last year's Labor-HHS-Education appropriations bill. Our positions are all clear on this matter. Yet the majority is kowtowing once again to another element, handing them a politically attractive vote a mere 25 days before the election.

Mr. Speaker, I have been proud to support Labor-HHS appropriations bills in the past, and I have enormous respect for its chairman, the gentleman from Illinois (Mr. PORTER), who is one of the finest persons I have served with in the House of Representatives. Nevertheless, this rule will not provide for real consideration of this most important bill.

This rule represents the most egregious example yet of the majority using its powers for partisan gain. I urge my colleagues to reject this ruse. This institution should be better than this procedural farce. With the Nation's business to do, we should not be pandering to a single interest group. Please vote against this rule.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply respond to the words of my friend from Fairport, and what I would say is that we have already considered this rule. We had a vote that took place on the rule. This is simply making what is really a minor modification to ensure that amendments numbered 2 and 3 are going to be considered under the constraints that were included in the rule that did pass the House.

There are many Members who have indicated that they want to have a full and fair debate on those issues, which I admit are controversial. Frankly, we have the responsibility of dealing with tough public policy questions, and they are among them.

And so with that, I would say that we can continue to hear charges of the do-nothing Congress and all of this sort of stuff that was used back in 1948; we can hear all sorts of name-calling, which we heard earlier during the debate, but I would just underscore again that this rule passed the House earlier this week. We have considered this issue. We have a couple of amendments that many of our Members want to have brought to the forefront, and I think that those Members have a right to be heard.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank my dear colleague and friend, the gentlewoman from New York (Ms. SLAUGHTER).

Mr. Speaker, today I am standing here on behalf of the thousands upon thousands of Americans who rely on the LIHEAP program to help heat their homes in the winter and cool them in the summer. As we celebrate an end to the budget deficit for the first time in years, these people are still wondering how they will keep their children warm this winter, and that, Mr. Speaker, is just plain wrong.

It is wrong to force people to choose between putting food on the table and heating their homes when the temperature outside is below zero. And it is not only limited to the cold climate, Mr. Speaker. During the heat wave that swept through the south this summer, over $100 million in LIHEAP funds were released to help the most vulnerable people suffering from those high temperatures.

Given how important this program is, given that it saves so many lives, and given the benefits that stretch from Maine to Mississippi, I am very disappointed that the Committee on Appropriations has decided to eliminate this program entirely.

Mr. Speaker, the people who this program helps are not the well-off people. Two-thirds of the people that this program is aimed at make less than $8,000 a year. And during periods of extreme cold or extreme heat they have to choose between paying their utility bills and paying their grocery bills.

Let me give my colleagues an example. I have here a letter from a retired veteran who lives in South Boston. He is a veteran of the Korean War. And he explained in this letter that he gets by on about $100 a week. I would just like to read part of this letter. It says:

> Joe, why would anyone want to cut this heating program? It really helps us veterans in the winter. Sometimes you can't afford to heat your room and eat at the same time. What's the matter with the politicians when they want to destroy us veterans and the elderly?

Mr. Speaker, to tell the truth, I do not know how to answer this letter, and I suspect many of my colleagues feel the same way when they get similar letters.

Mr. Speaker, because the LIHEAP program has always received bipartisan

support, my Republican colleague, the gentleman from New York (Mr. JACK QUINN), and I have sent a letter to the chairman of the Committee on Appropriations asking for full funding of LIHEAP. This letter was signed by over 200 Members of the House, Democrats and Republicans alike, in a true bipartisan movement. And until this appropriations bill contains funding for the LIHEAP program, I urge those 200 Members to join me in opposing this rule.

With the budget finally in the black, with prosperity affecting millions upon millions of Americans, now is not the time to forget about the elderly. Now is not the time to forget about the poor.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I have the highest regard for my friend from South Boston, and I would say to him, as we consider debate on this rule, which again is simply a modification of the rule that already passed the House, I think it is important to note that the LIHEAP program is something that I understand has actually had an increase in funding in the manager's amendment; and the next thing would be in order under this rule, following consideration of amendments numbered 2 and 3, would, in fact, be the manager's amendment, which would include that increase.

I do not want to get into a big debate on the LIHEAP program itself, but I will say that if we look at the program that was put into place in the mid 1970s, at the height of the energy crisis, it was done so, in large part, to deal with that very serious need that was out there. Today, taking inflation into consideration, it is very clear that the cost of energy is substantially lower than it was even in those days in the 1970s. And the LIHEAP program was established, in large part, to provide reimbursement to the States, many of which had very, very serious deficit problems themselves at that point, and now most States are, in fact, running a surplus.

So I would say that I think my friend raises some very interesting questions about the LIHEAP program, and I would argue that those could, in fact, be considered following the consideration of this rule when they move ahead with the Labor-HHS appropriations bill. And, again, the manager's amendment would, in fact, be the next thing in order.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, is the gentleman saying that this matter is dealt with in the manager's amendment in this rule?

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

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would say to the gentleman that it is my understanding that the manager's amendment, that would be next to be considered after passage of this rule, after we consider the amendments numbered 2 and 3, the manager's amendment would be in order. And it is my understanding there is, in fact, an increase in funding for the LIHEAP funding. Am I wrong?

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

Mr. MOAKLEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say, Mr. Speaker, there is not an increase in the LIHEAP program in the manager's amendment. There is an increase from zero. But the program level last year was over a billion dollars. So it is an 85 percent reduction. Thanks for small favors.

Mr. DREIER. Mr. Speaker, If the gentleman will continue to yield. I was correct, then, an increase from zero. There is, in fact, an increase in that.

Mr. MOAKLEY. Reclaiming my time, Mr. Speaker, I would just tell the gentleman that that increase still represents about a half a billion dollar decrease.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this astonishing rule. The Labor-HHS bill has often been described by both Democrats and Republicans as the people's bill. It reflects our priorities as a Nation, the health, the education and employment of our children and our families.

What, then, does this rule reveal as Republican priorities? Will we debate full funding for the Low Income Home Energy Assistance Program, which helps poor seniors and families with children heat their homes without sacrificing prescriptions or food? No, we are not going to do that.

Will we debate the elimination of the summer jobs program, which provides summer employment for nearly half a million teens who would otherwise be employed in this country? No, we are not going to do that.

Will we debate the $2 billion shortfall in education funding in this bill? The need for modern schools, so that our children can learn the skills that they need to get the good jobs of the 21st century? The need to reduce class size, train more teachers, ensure that every child gets the attention and the discipline that he or she needs in order to be able to learn? No, we are not going to do that.

Will we debate funding for child care, to ensure that children have safe places to learn while their parents are at work? Will we debate after-school care, to keep kids off our streets and out of trouble in the hours after school ends and before mom and dad get home? No, we are not going to debate that.

What, then, will we debate? What is the Republican right wing's highest priority? Legislation requiring parental consent for birth control, which will violate State laws, frighten teens away from receiving the counseling and screening for sexually transmitted diseases that they need to stay healthy, and increase teenage pregnancy and abortions.

Certainly, this is an important issue. I believe teens should talk to their parents before making these decisions. But it is not more important than all of the priorities represented in this bill.

□ 1630

I urge my colleagues to vote against this rule.

Mr. DREIER. Mr. Speaker, yielding myself such time as I may consume, I would just again tell my colleagues that this is fascinating to continue the debate that we had earlier on a virtually identical rule. We look forward to addressing all of these questions, if we can proceed. I would reserve the balance of my time in hopes that we could move ahead, have a vote on the rule and then move ahead with the work on the appropriations bill so that LIHEAP and everything else can be debated.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak against this rule. Members heard the arguments on LIHEAP and they have heard the arguments on the elimination of summer jobs. But I also want to point out one other area, and that is the President's education initiatives that have been eliminated by $2 billion. We sit here and talk about tax breaks and we have passed a bill to remove the cap to increase persons coming in, immigrants, for jobs because we do not have them prepared, but yet we are gutting the part of this budget that would prepare our young people for the future. We have gutted Goals 2000 which brings our parents much more involved into the education planning for our students. The technology literacy challenge fund has been eliminated, the Eisenhower professional development grants being eliminated, title I grants and safe and drug-free schools.

We have heard arguments all year long about the increase of drug usage of our students. Yet we are eliminating those dollars that can help eliminate the drug use to educate and treat young people who have gotten involved in drugs.

I do not understand the logic of why we are making tax breaks and immigration more of a priority than preparing our own young people for the future. It does not make sense. I ask my colleagues to vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 6½ minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would like to ask a simple question. What in God's name are we doing bringing up this bill

at this point? The authority for the government to remain open expires in one day. We still have seven major appropriation bills, funding more than half the government, that have still not been acted upon. And if they are not, a whole lot of government will not be operating two days from now. Yet we are about to debate a bill which is going nowhere.

Now, we have been trying to get together to resolve the remaining differences on the seven major appropriation bills that have still to be disposed of so that we can finish our work, keep the government open and go home. We have some rather major problems. If anybody has noticed what has been happening today and yesterday with the stock market and NASDAQ, you have a huge collapse on your hands. And it is probably going to get a lot worse. We are trying to figure out how to reach agreement on things as controversial as the IMF. We have been trying to get to a meeting since 10 o'clock this morning between the principal conferees on the labor-health-education budget, and we have a wide variety of other disputes that are preventing us from finishing our work.

I would point out that while the press seems to be under the impression that there are only five or six items that still are in dispute, we have over 300 open issues that are still highly controversial that must be resolved before tomorrow night. Yet we are being asked now to begin debate on a bill which we know is going nowhere.

This bill is so extreme that the Republican majority in the Senate has shoved it aside and produced an entirely different bill. We have yet to finish action on the Labor-Health bill, the Transportation bill, the State-Justice-Commerce bill, the Foreign Operations bill, the District of Columbia bill, the Ag bill is being vetoed so we have to deal with that one again. We have the Interior bill that still is not passed. Yet what is happening? This Congress is being tied up on bill after bill on one issue, sex. On the Treasury-Post Office bill, that bill has been hung up and still remains at issue because of resistance to insurance coverage on contraception on the part of some members of the majority party. The Agriculture bill was held up for many weeks because of a strong feeling on the part of some members of the majority party that the FDA ought to impose a ban on another birth control device. The State-Justice-Commerce bill is being held up on an issue relating to abortions in prison. The Foreign Operations bill, which is our basic foreign policy document in the appropriations area, is being held up because you have a small group of persons in the majority party who insist that if they do not get their way on the international family planning issue, the entire bill will be held hostage. And now we are asked to bring this bill up and debate the issue of family planning services once again. That issue is being brought up not to resolve anything on the House floor but to resolve a difference within the Republican Caucus between a group that calls themselves moderates and a group that calls themselves conservatives.

I just want to say, sometime, sometime it would be nice if this Congress stops being bogged down on this issue, if we could quit debating bills that are not going anywhere so that we can get in the rooms and work out the differences on bills that are going somewhere and must go somewhere so that we can finish our work on time. This debate does nothing but satisfy political problems within the majority party caucus on a bill that is going nowhere.

MOTION TO ADJOURN

Mr. OBEY. I think that is a terribly destructive waste of time, and that is why, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). Does the gentleman yield back the time to the gentlewoman from New York before making his motion?

Mr. OBEY. Yes, Mr. Speaker.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 58, nays 349, not voting 27, as follows:

[Roll No. 499]

YEAS—58

Ackerman
Allen
Andrews
Becerra
Brown (CA)
Clayton
Conyers
DeFazio
Delahunt
DeLauro
Dicks
Evans
Farr
Fazio
Filner
Frank (MA)
Furse
Gephardt
Hall (OH)
Hastings (FL)
Hefner
Hinchey
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kilpatrick
LaFalce
Lee
Lewis (GA)
Lowey
Maloney (NY)
Manton
Martinez
Matsui
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Miller (CA)
Mink
Moakley
Obey
Olver
Owens
Pastor
Pelosi
Rodriguez
Sabo
Scott
Slaughter
Spratt
Stark
Strickland
Towns
Waters
Woolsey
Yates

NAYS—349

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fattah
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—27

Abercrombie	Fossella	Oxley
Baesler	Greenwood	Pickering
Barr	Harman	Poshard
Buyer	Hulshof	Pryce (OH)
Christensen	Hutchinson	Ryun
Cunningham	Kennedy (RI)	Wamp
Doyle	Kennelly	White
Ensign	Moran (VA)	Whitfield
Fawell	Ney	Wise

□ 1659

Messrs. STUMP, ETHERIDGE and KENNEDY of Massachusetts changed their vote from ''yea'' to ''nay.''

Mr. YATES and Mr. CONYERS changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier this afternoon, when the House voted on a motion to adjourn, I was unavoidably detained. I was conducting a satellite teleconference with the Deputy Assistant Secretary of the Treasury to constituents in Honolulu discussing the financial crisis in East Asia and the International Monetary Fund. Had I been present, I would have voted no.

FURTHER PROVIDING FOR CONSIDERATION OF H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise that the gentleman from California (Mr. DREIER) has 24½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 12 minutes remaining in the debate on the rule.

Mr. DREIER. Mr. Speaker, moving right along in an expeditious manner, as we have been trying to throughout the day on most of the questions we have faced here, I yield 4 minutes to the distinguished gentleman from Oklahoma City, Oklahoma (Mr. ISTOOK), a member on the Committee on Appropriations.

Mr. ISTOOK. Mr. Speaker, I rise in support of the rule regarding the appropriations measure on Labor, Health and Human Services, and Education.

There has been a lot of work, of course, that has gone with this bill, as there always is, this being one of the largest spending bills each year that comes before the House.

I especially want to compliment the chairman of the Subcommittee of Labor, Health and Human Services, and Education, the gentleman from Illinois (Mr. PORTER). This is always a very difficult bill, bringing together, as it does, so many different issues, so much major funding. The gentleman from Illinois (Mr. PORTER) has gone to great pains to work with a large number of Members who had concerns over this measure.

I know the gentleman is personally very pleased with the additional funding for medical research through the National Institute of Health, which are in this bill, the efforts to increase the efficiency of the money that actually reaches the classroom through Federal funding for education, whether it be through different block grants and things such as impact aid. I know the gentleman from Illinois (Mr. PORTER) has been very diligent in that.

Mr. Speaker, there is one particular portion of the bill, however, that I want to make sure that I mention. A part of this bill each year involves Federal family planning funds under title 10 as it is called. In the Federal Family Planning Program of title 10, within the bill, is a measure which was adopted in the Committee on Appropriations in consultation, of course, with the authorizing committee involved to make a major reform in that particular program.

Mr. Chairman, 1½ million teenagers each year receive services under the title 10 Family Planning Program. Some of it is treatment for sexually transmitted diseases. Some of it is providing contraceptives and counseling to young people.

Since this program has been in place since 1971, however, which provides a mechanism for Federal dollars to provide contraceptives to teenagers with neither the knowledge nor consent of their parents, since that time, Mr. Speaker, the out-of-wedlock pregnancy rate among teenagers in America has doubled.

We hear a lot of talk about family involvement in major issues of our times, and certainly the rate of teenage pregnancy is one of those.

The measure adopted by the Committee on Appropriations has been desired by a great many American families for a great number of years. It says, in most simple terms, that an unemancipated minor, a teenager who is still dependent upon their parents, should not be provided contraceptives at Federal taxpayers' expense unless their parents are notified.

This does not apply to any particular other types of services. This does not, for example, say that parents have to be notified if it is some sort of emergency medical care. But if taxpayers' money is to be used to pay for future sexual activity by a teenager, this simply says that the parent ought to be notified.

As the parent of teenagers myself, Mr. Speaker, I know that they cannot receive pierced ears without parents being notified. They cannot go on field trips or get aspirins at school without parents being notified.

Yet Federal taxpayers' dollars are used to provide contraceptives to teenagers and the parents are never told. If my child were picked up for using drugs or using alcohol, I would expect to be notified.

The real tragedy is that there is not even notification for children who are below the age of consent. We have laws on the books in this State on statutory rape, contributing to the delinquency of a minor, taking indecent liberties with a minor, and so forth, and the title 10 clinics ignore those laws. They neither report violations of them to the parents nor to law enforcement authorities.

This bill has reforms in it that says they will provide notification in both of those instances. It is a very important measure to try to get parents involved in monitoring and helping with the life and the problems and the circumstances of their youth.

This measure needs to be preserved in this bill. We will have debate on measures to take it out. It is important that we keep it in.

Mr. Speaker, I urge adoption of the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong opposition to this rule, and I do so because I recognize that, while there is a political purpose being served by the use of the marshal law tactic to go in and select out one particular provision of the Labor-HHS bill and to use this chamber to then debate just that particular provision for the next few hours, what we are doing, and for political purposes because the Republicans feel they can win on that issue, but what they do not talk about are the other provisions that are hidden in this bill, provisions like eliminating the Federal Fuel Assistance Program, eliminating the program to provide summer youth jobs to hundreds of thousands of children all across our country who in the middle of summer need to go to work.

What we are not seeing is a debate about whether or not we believe as a Congress, whether the Republicans agree in the Congress, that what we ought to do is go out and cut the Federal Fuel Assistance Program, cut a program that millions of Americans count on and will count on this winter to make sure that they stay warm.

We are in a situation where we read in the newspaper about how well America is doing and how much money the wealthy in our country have made and how the unemployment rate is down and the inflation rate is down and the stock market up, until the last month or so used to be up.

But what we do not read about are the millions and millions of very poor people. We do not read about the hundreds of thousands of senior citizens that every winter hang blankets across parts of their houses because they simply cannot afford to keep those houses warm, that have to choose between having a hot meal or staying warm in their beds at night.

How many times do we have to have our elderly people suffer because they do not get enough money in Social Security? Then we turn around in this bill and cut a billion dollars out of the

money, the Federal tax monies to go into this program.

My colleagues say, well, we do not have the billion dollars. I will tell them something. The money is in this bill. There is plenty of money in this bill to pay for fuel assistance. The fuel assistance program was paid for years ago.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, this Labor-HHS appropriations bill makes me believe that some of my colleagues in the majority party would benefit from spending time back in the classroom. The numbers in this appropriations bill simply do not add up.

From Head Start through higher education and into the workplace, this bill shortchanges the vast majority of Americans.

I am most concerned about the damage done to American school children in this bill. The funds for education do not make the grade. Those of us who have done our homework know that overcrowded classrooms are one of the biggest obstacles to improving education for our children.

What parents and teachers already know is that smaller class size makes for better learning experiences and results in better grades. In fact, even the very Republican governor of my home State of California has made smaller classes a priority in our State.

But it costs money, Mr. Speaker. It costs money to reduce class size, because smaller classes mean more training and more teachers that need to be hired. Smaller classes mean building more classrooms.

This bill does nothing to help schools reduce class size. It cheats our students out of funds they need to get a good education. It deserves to fail.

This bill particularly fails teenagers. This Republican effort, Mr. Speaker, is designed to give the right wing ''score card'' information before the November 3 election and, in doing so, force young women to risk unwanted pregnancy and sexually transmitted disease.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my very good friend, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise in favor of the rule. It is important we pass this rule because we will have on the floor a very interesting story of a 37-year-old schoolteacher who repeatedly statutorily raped his 13-year-old student, brought her to a title 10 clinic, which gave her birth control devices, a shot of Depo-Provera in the arm which led to very serious medical consequences on her part.

□ 1715

This will be an opportunity for Members of Congress to keep language that allows parents the right to be notified whenever their little girls are being given contraceptive devices.

The language that we will be asking people to support is the Istook-Barcia-Manzullo language, which is a perfecting amendment to the Castle-Greenwood amendment that will be offered on the floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership. I rise in opposition to the rule on the Labor-HHS-Education appropriations bill.

This is a bill that should attend to the urgent human needs and lay the building blocks for our children's and our Nation's future. But this Republican-designed bill fails on both counts.

The rule proposed today is an example of the misplaced priorities of the Republican leadership. In an effort again to appease their radical right wing, the Republican leadership is proposing a rule that caters to those who would undermine family planning and ignores all of the critical priorities contained in this bill.

Mr. Speaker, when on earth will we be awakened to what should be our priorities in this legislation and in this Congress? When we get a report that over 1 in 5 children in America lives in poverty, when we know that tens of millions of individuals cannot afford health insurance, when we see that class sizes are too large and children are struggling to learn in schools that are in need of repair, workers deserve adequate safeguards to protect them from needless injury, and what are we talking about once again on this floor? Stopping funding for family planning.

It should be the mission of this House to attend to the urgent needs of the American people and to answer the call to address inequities in education, health care and worker safety. And it is through the Labor-HHS bill that we can do this to share the benefits of prosperity with those in need.

This bill abandons our children by slashing the administration's education initiatives, including education for the disadvantaged, Head Start, and Safe and Drug-Free Schools. It abandons workers by cutting OSHA workplace safety enforcement and mine safety. It deserts young people by eliminating or severely cutting the Summer Jobs Program and Out of School Youth Opportunities. It disregards the needs of the poor by eliminating or slashing home energy assistance, LIHEAP.

Mr. Speaker, this rule and this bill is bad policy and fails to attend to today's priorities. I urge my colleagues to vote ''no.''

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Wilmington, Delaware (Mr. CASTLE), my very good friend.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from California for yielding because he knows I am in opposition to this rule, and I am very, very strongly in opposition to it. Let me explain why I am opposed.

This has been a very controversial piece of legislation. Labor-HHS has had a lot of different aspects to it, all the way from LIHEAP to summer jobs, and a lot of people have questioned and have wanted to change it one way or another. Probably the most controversial of these items is what we are debating right here which is the amendments with regard to parental notification with respect to contraceptive drugs or devices.

As I understand it, and somebody correct me if I am wrong, essentially we are debating this rule and we are going to debate this bill, and then we are going to consider these two amendments, and we are not going to consider the rest of this bill, which is going to end up in the omnibus bill anyhow, so we are essentially down to setting up a mechanism by which we are going to vote on two very difficult amendments, and I happen to be a cosponsor of one of them, with a strong belief that it is the right way to go.

This is a heck of a way to legislate. This is a piece of legislation which has waited until little over 24 hours away the time that we are supposed to leave here and that probably would have taken 3 or 4 days on the floor if it had been done correctly, and here we are with a very truncated rule process in order to move forward on it. My judgment is it has little to do with being prochoice or prolife or anything of those things, it is a process question that we have here.

I hope that everybody in this Congress will step forward and oppose this rule. This simply is not a good way to do business. It is what happens at the end of sessions such as this, and this is a shining example of the wrong way to proceed.

So I would encourage each and every one of us, when the time comes for this vote, to come over here and to vote ''no'' on this rule, end this bill, and let happen what is going to happen, and that is it will be rolled into the omnibus bill and the appropriations which have to be done, hopefully will be done, that way.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

This is always a very difficult decision or decisions, plural, because this bill deals with Americans who are in pain. It deals with senior citizens, it deals with the mentally disabled, it deals with teenagers who are sexually abused by a parent or loved one and who are looking for relief if out of that sexual abuse comes an impregnation.

Yet now we come to the floor with the most acrimonious and destructive rule that I could imagine in these last waning hours of this Congress.

Today I engaged in a very painful debate, because it was my job. I came back from that debate and voted to adjourn this House, something that I rarely do. And I did so because my constituents in Texas, some 32 of them died this summer in the most intense heat we had ever been impacted by or felt.

This rule would eliminate the dollars used to help air-condition or heat the homes of poor senior citizens, those of my constituents in Texas who would have died if not for that money. This devastates the LIHEAP monies for senior citizens and the infirm.

This as well devastates the kind of work we have done to keep teenagers off the streets in the hot summer and takes summer jobs money away from hardworking, deserving teenagers who use that money to supplement their family's income, and then it takes Goals 2000, a program that goes into rural and inner-city schools and slashes it 50 percent, schools that depend upon these matching dollars to lift their scores and give incentives to their children that come many times from broken homes.

This is an abuse of power. This is an offensive rule, and it should be defeated.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN. Mr. Speaker, I thank the gentlewoman from New York for allowing me to rise in opposition to this bill and the rule.

This appropriations bill grossly underfunds our national priority of providing the best public education for each and every child. There is not enough time left in this 105th Congress to talk about how bad this bill is. Let me just try to hit some of the highlights.

Goals 2000, an education program that started with President Bush and continued under this President, is cut 50 percent from last year's funding level. The School-to-Work program is cut by $250 million. The America Reads program is eliminated. In addition to these extremist cuts, my Republican colleagues want to deny initial funding to many other important education programs.

Funds for Title I grants are frozen, cutting the administration's request by $437 million, denying over a half a million students in high poverty communities the extra help they need to master the basic courses. Funding for College Work Study is cut by $50 million below the administration's request, denying 57,000 needy students college work study awards. Head Start is cut by $160 million below the administration's request, denying slots to 25,000 low-income children.

Mr. Speaker, we have worked hard in Houston to ensure that we have the best Head Start program possible. We have three new providers now, and by collaborating with our public schools, we can truly give our children a real head start on life, but we cannot by short-circuiting and not providing the funding. We have made great strides, but additional funds are needed to meet the overwhelming need in the Head Start program.

The Republican approach to education is a wrong approach, and I think it is an approach that the American people do not want. That is why I urge my colleagues to vote down this short-sighted bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, last year I was proud to stand on the House floor and work hard with our distinguished chairman and good friend, the gentleman from Illinois (Mr. PORTER), to pass a bipartisan Labor-HHS-Education spending bill. I frankly am sad and disgusted that today we are called here at the last minute to debate a phoney rule on the same bill designed by the Republican leadership simply as a pre-election gift to their right wing.

This rule is a sham designed for one purpose and one purpose only: to give opponents of family planning a procedural advantage in a vote on their provision which was defeated on the House floor 2 years in a row.

It is my understanding that after the gentleman from Oklahoma (Mr. ISTOOK) gets his antifamily planning vote, we will simply rise and discontinue debate on this important bill with its key education and health care programs.

I strongly urge my colleagues to vote down this bogus rule. Because the Republican leadership could not get an agreement to bring up the bill under a fair rule, the bill did not come up. Week after week went by and still no Labor-HHS appropriations bill. Now, 1 day before target adjournment, the bill is brought up suddenly and under a fake rule that is not about policy, but about election year politics.

If the rule does pass, then I urge my colleagues to support the Greenwood-Castle substitute and oppose the Istook second degree amendment.

The Istook second degree contains the same language restricting teenagers' access to Title X family planning services which was defeated on the House floor just last year. This parental consent restriction will deny vulnerable teens the contraceptive services they need to avoid pregnancy, HIV and STDs.

Last year's attack on the Title X program failed because a majority of Members understood that denying teens access to family planning does not promote abstinence. I only wish it were that simple. Instead, Members understand that the Istook language will increase STDs and HIV infections, unintended pregnancies and abortions.

I urge my colleagues to support the Greenwood-Castle substitute, it takes the responsible, sensible route, and defeat this sham rule.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) has 17½ minutes remaining; the gentlewoman from New York (Ms. SLAUGHTER) has 30 seconds remaining.

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

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

I would urge my colleagues to vote in favor of this rule. We have already voted on the rule itself. This is a minor modification that was made to consider those two amendments numbered 2 and 3. There are a number of Members on our side who hope very much to have a debate on that question. We will be proceeding with funding in a wide range of other areas, and so I hope that we can proceed with this as quickly as possible and get to this appropriations work.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 9, as follows:

[Roll No. 500]

YEAS—224

Aderholt	Bilirakis	Camp
Archer	Bliley	Campbell
Armey	Blunt	Canady
Bachus	Boehlert	Cannon
Baker	Boehner	Castle
Ballenger	Bonilla	Chabot
Barr	Bono	Chambliss
Barrett (NE)	Brady (TX)	Chenoweth
Bartlett	Bryant	Christensen
Barton	Bunning	Coble
Bass	Burr	Coburn
Bateman	Burton	Collins
Bereuter	Callahan	Combest
Bilbray	Calvert	Cook

Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Buyer
Fattah
Horn
Kennelly
McDade
Pickering
Pryce (OH)
Scarborough
Whitfield

□ 1748

Mr. ACKERMAN changed his vote from ''yea'' to ''nay.''

Mr. EHRLICH and Mr. ARMEY changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MS. FURSE

Ms. FURSE. Mr. Speaker, I move to reconsider the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Did the gentlewoman from Oregon vote on the prevailing side in ordering the previous question?

Ms. FURSE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman qualifies.

MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I move to table the motion offered by the gentlewoman from Oregon (Ms. FURSE).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DELAY) to table the motion to reconsider the vote offered by the gentlewoman from Oregon (Ms. FURSE).

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

RECORDED VOTE

Ms. FURSE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote, followed by a 5-minute vote on passage of the resolution.

The vote was taken by electronic device, and there were—ayes 231, noes 197, not voting 6, as follows:

[Roll No. 501]

AYES—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo

Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Andrews
Buyer
Kennelly
McDade
Pryce (OH)
Whitfield

□ 1806

Mr. BARR of Georgia changed his vote from ''no'' to ''aye.''

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 209, answered ''present'' 1, not voting 11, as follows:

[Roll No. 502]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—209

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED ''PRESENT''—1

Walsh

NOT VOTING—11

Buyer
Cox
Dooley
Fazio
Kennelly
Lantos
Lowey
Martinez
McDade
Pryce (OH)
Yates

□ 1820

Mr. MOLLOHAN and Mr. HOLDEN changed their vote from ''aye'' to ''no.''

Messrs. LIVINGSTON, PORTER and BONILLA, Mrs. KELLY and Mr. SHAW changed their vote from ''present'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the motion to reconsider is laid on the table.

Mr. OBEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. PORTMAN

Mr. PORTMAN. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. PORTMAN) to table the motion to reconsider the vote offered by the gentleman from California (Mr. DREIER).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 192, not voting 12, as follows:

[Roll No. 503]

AYES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—12

Buyer
Diaz-Balart
Dooley
Fawell
Fazio
Harman
Johnson, Sam
Kennelly
Martinez
McDade
Pryce (OH)
Yates

□ 1841

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2281) ''An Act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.''

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3694) ''An Act to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.''.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.''.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2206) ''An Act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.''.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 4567

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that on H.R. 4567, because of clerical error, the names of gentleman from Maine (Mr. ALLEN), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Michigan (Mr. STUPAK) be removed as cosponsors.

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

There was no objection.

LIMITATION OF TIME FOR DEBATE ON CERTAIN AMENDMENTS TO H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4274 that debate time allotted to amendments numbered 2 and 3 in House Report 105–762, pursuant to H. Res. 584, be limited to 16 minutes each, equally divided.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, I just want to make certain that I understand what the last two words mean.

It is my understanding that if the time is equally divided, that means

that each party will have 8 minutes of time on each amendment.

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. As I understand it, there are 2 amendments. Each amendment would be divided equally between the majority and the minority or in some such fashion according to the proponent and the opposition. The proponent would get 8 minutes, the opposition would get 8 minutes on each amendment; so, for a total of 16 minutes on each amendment.

Mr. OBEY. But the question, Mr. Speaker, is will the minority party have 8 minutes on each amendment? On each proposition, I mean.

Mr. LIVINGSTON. If the gentleman would continue to yield, I would suggest to the gentleman that the way that the amendment has been propounded that that would be up to the managers of the amendment and the manager in opposition to the amendment.

Mr. OBEY. Mr. Speaker, I just need to have the assurance, and I want to cooperate on this, but I need to have the assurance that our side will be yielded 50 percent of the time on each of the two propositions.

□ 1845

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield further, I understand that there is no certain way to guarantee that it is equally divided on each side of the aisle. However, I understand that there appears to be no opposition from the gentleman from Pennsylvania (Mr. GREENWOOD), who would be one of the proponents of an amendment.

Mr. OBEY. Mr. Speaker, further reserving my right to object, that means that we would only have 4 minutes out of all of the debate time.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, I do not think that that is the case.

If the gentleman will yield further, would he tell me who would claim time in opposition to the Istook amendment?

Mr. OBEY. Mr. Speaker, further reserving my right to object, as the gentleman knows, I am trying to get to a meeting to help facilitate the moving of the budget forward, so what I would like to do is have the gentleman from Ohio (Mr. STOKES) on this side manage the time for the entire bill, including the two amendments.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, if the gentleman would advise us that the gentleman from Ohio (Mr. STOKES) would rise in opposition to the amendment, it would be the intention of the gentleman from Oklahoma (Mr. ISTOOK) to yield 8 minutes for the gentleman from Ohio (Mr. STOKES) to control on the Istook amendment.

Mr. OBEY. We would also have 8 minutes on the Greenwood proposition.

Mr. COBURN. Mr. Speaker, reserving the right to object.

Mr. LIVINGSTON. Mr. Speaker, the gentleman reserves the right to object.

The SPEAKER pro tempore (Mr. LATOURETTE). The reservation is presently held by the gentleman from Wisconsin (Mr. OBEY). The gentleman from Wisconsin (Mr. OBEY) may yield on his reservation if he so chooses.

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

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I thank the gentleman for yielding to me. We have two issues before us, one which the gentleman from Oklahoma (Mr. ISTOOK) supports, one which many people oppose; and we have the amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) which he supports, but many on our side oppose. If we divide the time as the gentleman has suggested, those equally opposing each amendment will not have equal share of the time.

Mr. OBEY. Mr. Speaker, reclaiming my time, I do not want to do that.

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would like to amend my unanimous consent request which apparently was unclear and unintentionally unclear.

Mr. Speaker, I ask unanimous consent that, on each amendment, those in favor of the amendment be allotted 8 minutes, and those opposed be allotted 8 minutes and that, to as great a degree as possible, the time in each instance be shared on both sides.

It may well be that nobody on the gentleman's side of the aisle would like to claim time in one of those categories or another, but at least people will have the opportunity within that time frame to make their comments and be heard.

Mr. OBEY. Well, continuing under my reservation, Mr. Speaker, I am still trying to figure out what that means. We are not trying to hold anybody up. There are people on this side who want to speak as well. We just want to make certain that we will have an equal amount of time that will be yielded on both propositions. That is all.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, we have two amendments. We have the Istook amendment, and we have the Greenwood amendment. According to my unanimous consent request, I have asked that, on each, there be 8 minutes allotted for and 8 minutes allotted against.

I guess it would be a little bit simpler if we simply decided right now within the context of this unanimous consent who will represent those for and who will represent those against on each amendment.

In the instance of the Greenwood amendment, the gentleman from Pennsylvania (Mr. GREENWOOD) would have the time for 8 minutes. I am asking the gentleman's statements, I assume that the gentleman from Oklahoma (Mr. COBURN) could be recognized in opposition to the Greenwood amendment.

Mr. OBEY. Mr. Speaker, continuing under my reservation, let me explain to the gentleman, I am sure that, on our side of the aisle, the preponderance of the speakers will be against the Istook amendment. I do not want us to have all the time against the Istook amendment.

I think that, if there are 8 minutes against the Istook amendment, 4 ought to be reserved for the majority party if they want them. If they do not want them, I do not think we ought to have them anyway.

But we would like at least 4 minutes on the Istook amendment and 4 minutes on the Greenwood amendment. If the gentleman do that, I do not care how he works out the time.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. OBEY. Absolutely. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would like my unanimous consent request to be amended so that, on the Greenwood amendment, the gentleman from Pennsylvania (Mr. GREENWOOD) be allotted 8 minutes to be divided as he sees fit.

Mr. OBEY. That is fine so far.

Mr. LIVINGSTON. That 8 minutes be allotted to the gentleman from Oklahoma (Mr. COBURN) to be divided as he sees fit.

Mr. COBURN. Mr. Speaker, if the gentleman from Wisconsin will yield, which I would be happy to share with those who feel that position from your side of the aisle.

Mr. OBEY. Mr. Speaker, so what the gentleman is saying, the gentleman from Oklahoma (Mr. COBURN) will have 8 minutes and the gentleman from Pennsylvania (Mr. GREENWOOD) will have 8 minutes, and he has agreed to yield 4 of it to us.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, that is on Greenwood.

Mr. OBEY. On Greenwood.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will further yield, on Istook, that the gentleman from Oklahoma (Mr. ISTOOK) will be allotted 8 minutes to be divided as he sees fit, and that the gentleman from Ohio (Mr. STOKES) will be allotted 8 minutes in opposition to be divided as he sees fit.

Mr. OBEY. Mr. Speaker, further reserving my right to object, we would agree that the time of gentleman from Ohio (Mr. STOKES) would be split evenly between the parties if there are persons on the gentleman's side who want to argue against that amendment.

Mr. LIVINGSTON. Correct.

Mr. OBEY. Mr. Speaker, with that understanding, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request by the gentleman from Louisiana?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The CHAIRMAN. Pursuant to House Resolution 564 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4274.

□ 1952

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to House Resolution 564, the bill is considered as having been read the first time.

Pursuant to House Resolution 584, the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

Mr. ENGEL. Mr. Chairman, today we take a vote on the future of our children. Day in and day out the Members of the 105th Congress come to the floor and express their concerns for ensuring opportunities for the next generation. H.R. 4274, ''the Labor-HHS-Education Appropriations bill,'' is one piece of legislation that goes to the heart of our collective concerns. However, despite our desire to assist our children we instead embark on a bill that politicizes their future. Instead of providing opportunities, this bill guts national education funding for short term political gain. This bill eliminates funding for technology in the classroom in low-income school districts, it eliminates funding for teacher training, and it even eliminates funding to ensure that our children can read before the end of the third grade.

However, to just discuss the inadequacies of this bill on our elementary school aged children would not be a fair summarization of the destructive nature of this piece of legislation. This appropriations bill attempts at its very essence, to provide budget cuts off the backs of the poor, the immigrant and the laborer. H.R. 4274 if passed would eliminate federal subsidized funding for 4.4 million of the poorest households to pay for their heat during the winter months; this bill if passed would cut federal funding for bilingual education by $25 million which would reduce funding for adequate teacher training; this bill if passed would even cut OSHA workplace safety enforcement by $12 million which would result in 4,000 fewer workplace safety inspections in 1999.

The role of government is debated each day on the floor of this House, in our committee rooms, and in our districts but we all can agree that our mandate is to serve the people. It is paramount that as a national body we focus not on partisan political goals but rather on what is in the best interest of our constituents. Members would then understand that this appropriation bill is too unfair, too detrimental to our national educational policy and too damaging to the poor. I urge my colleagues on both sides of the aisle to join me in opposing H.R. 4274 and vote no on this bill.

Mr. PORTER. Mr. Chairman, Mr. GREENWOOD's amendment protects a good program, a program that Members should support.

One of our priorities in this bill is public health programs that help expand access to care for the underserved. Title X—as George Bush and Richard Nixon recognized—is such a program.

1. It supports a broad range of reproductive services to women—including assistance for women who are having trouble conceiving children—as well as screening for breast and cervical cancer, sexually transmitted infections and hypertension. These are life saving, life giving, life enhancing services.

2. In 1996, 4.3 million clients were served—83 percent with incomes below 150 percent of the federal poverty level. Everyone above the poverty line pays something for their care on a sliding scale. For many working poor, Title X provides their only access to the health care system.

3. The law has always barred Title X from paying for any abortion under any circumstances. This is not an abortion issue.

Title X is really an anti-abortion program: roughly half of all unintended pregnancies end in abortion. It is estimated that, in 1994, one million unintended pregnancies were averted as a result of services received at Title X projects. Title X prevents the unintended pregnancies that lead to abortions and that lead to low-birthweight babies.

Title X improves maternal and child health, it lowers the incidence of unintended pregnancy and abortion and it lowers rates of STDs.

It is a good program, it is a wise investment, and we should be very careful about adopting amendments that undermine the program's effectiveness.

I urge all Members to support Mr. GREENWOOD's amendment and oppose Mr. ISTOOK's substitute.

Mr. STARK. Mr. Chairman, I oppose the Labor, Health and Human Services and Education Appropriations (Labor—HHS) Bill considered in the House today.

EDUCATION SUFFERS UNDER THIS BILL

This bill would have devastating effects on students and our education system and I strongly urge my colleagues to reject this bill.

My colleagues on the other side of the aisle have been busy with their education agenda this year. We've debated a Constitutional Amendment to allow for prayer in schools and we've tried to eliminate affirmative action programs for minority students. We've also tried to provide public dollars for private schools—not once, but twice, and to eliminate public dollars to be used for the purposes of educating our bilingual students. Lucky for our students, parents and teachers, Democrats have an education agenda, too.

The Democratic plan will improve public education. We want to reduce the average class size in the early grades by helping local school districts hire 100,000 new qualified teachers. We want to provide federal tax credits to pay the interest on $22 billion in bonds for the modernization and construction of more than 5,000 schools. We want to make sure that schoolchildren have somewhere to go after school instead of hanging out on the streets. We are promoting after school learning opportunities for students. We support expanding resources for educational technology in order to ensure that every classroom and school library is connected to the Internet by 2001.

The Democratic ideas will work; they will provide more opportunities for out kids. Nobody denies that public education is in bad shape. But the majority's solution is to cut funding and eliminate programs and to determine what choices are made available to school districts and teachers. This does not make good sense or good policy.

This Education Appropriations bill fails to fund a single one of the Administration's initiatives to modernize schools and build new schools. it is no secret that schools are overcrowded. Schoolteachers in my district are conducting classes in portables, school lunchrooms and even in hallways. The majority, by not addressing this problem in their bill, are putting a bag over their head and hoping the problem goes away.

This Education Appropriations bill does not fund the President's Literacy Initiatives and eliminates funding for the America Reads Challenge. Furthermore, the bill cuts funding for the Safe and Drug Free Schools initiative, and does not fund the President's plan to target funds to districts and schools with the largest drug and violence programs.

This bill also incorporates the text of a bill that was defeated by the House earlier this year and with regard to bilingual education. This bill would limit the amount of bilingual education a student could receive to a maximum of two years. Reputable research proves that children take between four to seven years to master academic English necessary for higher education success. This bill provides no academic safety net for students who fail to master English in two years. It does not make sense to shove children arbitrarily from an environment where they are learning to one where they are predetemined to fail.

The House has already soundly defeated this idea. Why does this bill pander to an extreme minority who has already lost this fight?

This bill also prevents students from achieving success in the new millennium by cutting funds for GOALS 2000 by 50%. How does cutting funding for this program help students? I would ask the majority leadership to answer this question.

This bill also prevents any funds from being spent to adopt a national testing standard for our kids. These tests have nothing to do with content and would test fourth graders for reading comprehensive and eighth graders for math ability. I support national testing standards. These voluntary tests will have no effect on home schooling or parochial education interests. Testing gives states, local communities and parents one more tool to measure how well their curriculum prepares students in basic reading and math skills. If we are to spend taxpayer money on public schools, we must know that we are getting measurable results.

It is clear that my colleagues on the other side of the aisle do not think the same way about education as we do. Their attacks on our basic fundamental obligation to provide a

public education for every child in America will have a devastating effect on schoolchildren and our Country's future.

A real stand for education is a vote against this terrible bill.

CUTS HURT THE MOST VULNERABLE

H.R. 4274 is a confrontational bill—the product of a majority leadership decision to cave to demands from the right wing of its own conference. It does nothing to heal the economic and social divisions within our society. Instead it resembles a blueprint for the reelection of the House Republican leadership.

H.R. 4274 is the direct result of the majority's decision to kill tobacco legislation. Instead of using tobacco company revenues to fund a set of fairly balanced domestic priorities, the majority has decided to offset their spending priorities by cutting the programs that benefit the most vulnerable members of our society.

H.R. 4274 eliminates funding for LIHEAP. I oppose this provision. There is no programmatic or economic rationale to justify eliminating a program that helps 4.4 million low-income households pay their heating and cooling bills. About 1.5 million of these households have elderly members, 1.3 million have disabled members, and 2.1 million have children in poverty. Two-thirds of LIHEAP recipients earn less than $8,000 per year. Energy prices constitute a significant expense for poorer households whose incomes have not kept up with inflation.

I also strongly oppose the bill's prohibitions on Title X funding. Title X family planning clinics offer a wide range of critical services including contraception, screening and treatment for sexually transmitted diseases, HIV screening, routine gynecological exams, and breast and cervical cancer screening. If minors are required to comply with parental consent or notification laws for contraceptive services, not only will they avoid seeking family planning services, they will avoid seeking any of the services at a Title X clinic. Without these services, the authors of this bill can soon take credit for an increase in abortions and sexually transmitted diseases. I oppose this bill for its blatant disregard for the reproductive health, safety, and constitutional rights of America's women.

Supporters argue that H.R. 4274 eliminates excessive and burdensome federal regulation and provide enhanced discretion to state and local officials. Yet, the bill prohibits the use of Title X funds by any entity unless it certifies that it encourages family participation in the decision of minors to seek family planning services. It also prohibits a state or locality's contribution of Medicaid matching funds to pay for any abortion or to pay for health benefits coverage offered by a managed care provider that includes coverage of abortion.

THIS BILL PLAYS POLITICS WITH ORGAN DONATIONS

Every day 10 people die in this country waiting for an organ transplant. There is no disagreement about the problem—there aren't enough organs to meet the needs of patients.

In March, the Department of Health and Human Services issued proposed regulations to equalize large discrepancies in waiting times for transplant patients around the country and help guide the transplant community to create a fairer transplant system.

Now the House Labor-HHS bill includes two riders, which would prohibit the implementation of these regulations and prevent the HHS Secretary from working to increase the number of available organs.

The first rider would prevent the Secretary from requiring hospitals to report patient deaths to regional Organ Procurement Organizations. This simple requirement is in effect in Maryland and Pennsylvania and both states report additional organ donations as a direct result. Preventing this regulation from going forward will make more patients die waiting for other organs. This is a matter of life and death and this rider should be removed from the bill.

The second rider puts a moratorium on the Secretary's organ allocation plan to make the distribution of organs more fair for patients. The Secretary's organ allocation plan is urgently needed by patients across the country. Patients in the Bay Area wait an average of over 300 days for a transplant, while patients in Tennessee wait 21 days. This isn't fair.

The Secretary has proposed to let medical people make medical decisions about the best way to allocate the limited number of donated organs. The Appropriations Committee should allow these regulations to be implemented without further delay.

This rider is being pushed by a group of Louisiana transplant surgeons who believe that organs should be hoarded for their own state use. Over 30% of Louisianans needing a transplant leave the state to find better care in other hospitals or because they have been turned down for transplants in Louisiana. The state has recently passed an ''organ hoarding'' law to prevent organs that are made available for transplant in Louisiana from leaving the state. The state has also filed a lawsuit against the Secretary for issuing national regulations, despite the fact that the National Organ Transplant Act specifically requires that the Secretary do so.

Fairness is half of this fight; Quality is the other part. There is a lot of money to be made in organ transplants. Too many centers have been opened to increase the prestige and the profits of a local hospital—and not because they do a good job. In fact, in general the lower volume small transplant centers have poorer outcomes than the high volume transplant centers. The fact is that having a transplant center has become the equivalent of health pork. Many of these centers are like the excess projects in the recently-passed highway bill: centers without a justification. But unlike highway pork, these centers sometimes end up killing patients because they do not do as good a job as the high volume centers. I really think it is immoral for centers that have a lower success rate than the high volume centers to be fighting the Department's regulation. Their actions are a disgrace to the Hippocratic Oath.

The proliferation of poor quality transplant centers not only wastes lives, it wastes money. The United States has 289 hospitals doing tranplants—and that is an enormous commitment of capital. I have read that a hospital has to invest about $10 million to be able to do heart transplants.

These proliferating costs are part of what drives health inflation in the United States and part of what places such huge budget pressures on Medicare. Concentrating transplants in fewer, high-quality, life-saving centers would allow us to save hundreds of millions of dollars in the years to come. The Department's regulation gives us the potential to focus on Centers of Excellence where we not only save lives, but can obtain economies of scale necessary to preserve the Medicare program.

If my colleagues are serious about putting patients first, what is so onerous about a system that proposes to base transplant decisions on common medical criteria on a medical need list—not geography, not income, not even levels of insurance coverage—just pure professional medical opinion and medical need.

This issue is about putting patients first—not putting transplant bureaucracies first. I can think of no better way to put patients first than to make the system fair for all. I urge my colleagues to support the Department's regulations and to vote against the Labor-HHS bill.

THE BILL IS BAD FOR WORKING FAMILIES

This bill would have devastating effects on working families and I strongly urge my colleagues to reject this bill.

America's working families deserve a break. After a few years of record profits for Wall Street and the Fortune 500 companies, it is time to help out the working men and women responsible for this productivity. Instead, some of my colleagues, in their quest to please corporate shareholders, have launched an assault upon the basic protections that working families count on and enjoy.

I've heard from numerous young people in my district about the importance of the Summer Youth Employment Training Program (SYETP). They tell me that they have learned the value of a dollar and the importance of being accountable and responsible because of their summer jobs. I've heard from Mayors and School Districts about the need for this program. The Castro Valley Unified School District wrote to me to tell me that ''SYETP is one of those programs that addresses the needs of a segment of our student population and does so with a high degree of success.'' I've included this letter for the CONGRESSIONAL RECORD to accompany my statement.

What has the Majority done in response to this support for the Summer Youth Employment Training Program? They have eliminated all of the funding for it.

The Summer Youth Employment Training Program works. It give young people the tools, skills and experience they need to succeed in the workplace after they are finished with school. Eliminating this program is not an investment in our future.

This Labor–HHS bill cuts funding for Job Training Partnership Act by $1.5 billion from the President's request. The bill also cuts School-to-work programs by 62 percent from last year's appropriation. The message to young workers is clear: if you stuck in a low paying job or lack a graduate degree, the government will not help you obtain the skills you need to provide for your family. This is the wrong direction for our country to be going.

One of the largest roles for government to protect working families is through the Occupational Safety and Health Administration (OSHA). OSHA offers guidelines for employers to provide employees with safe workplaces and enforces safety standards to ensure that the likelihood of injury or death on the job is reduced. OSHA is the safety cop on the beat for working families, and deserves our support.

This Labor–HHS bill cuts OSHA funding by $18 million from the Administration's request. Furthermore, the bill includes provisions to require peer-review of the scientific data on which OSHA standards are based. The bill specifically permits a person with a financial interest in the outcome of the standard to set on the pear review panel. I question how many true labor protection standards will make it out of the regulatory process with employers and financial backers making the final decisions about what workers safety standards are really needed.

The majority's labor record is clear. Working families should take a back seat to corporate interests and employer decisions. I don't share this view.

I believe that working families deserve strong protections at the workplace, should be able to organize and advocate for their common interests and should not have to work in an environment of indentured servitude to guarantee a paycheck.

If my colleagues were serious about help out working men and women, they would work to pass a real minimum wage increase and link it to a cost of living adjustment to provide a real working wage for working families. Making investments in people is the highest priority for me. Cutting funding out of programs to provide job skills and job security does not lead to an economically stable society.

I urge my colleagues to vote for working families and for worker protections and to vote against this bill.

BOARD OF EDUCATION, CASTRO VALLEY UNIFIED SCHOOL DISTRICT

Castro Valley, CA, September 14, 1998.

Hon. FORTNEY ''PETE'' STARK,
Fremont, CA.

DEAR REPRESENTATIVE STARK: The purpose of this letter is to urge you to support the continuation of the Summer Youth Employment Training Program (SYETP). This program has been a valuable one over the years over the Castro Valley Unified School District as it has provided opportunities for students from low income families to be successful in a work experience environment.

Our responsibility as educators is to provide programs and strategies that are diverse in nature in order to address the diversity within our student population. SYETP is one of those programs that addresses the needs of a segment of our student population and does so with a high degree of success.

There is no doubt that the elimination of this program will be a major loss for us in the district and the Regional Occupational Program in general. Judging by the information that I have received, the elimination of SYETP nationally would result in approximately 400,000 young people not having an opportunity for work and educational assistance in 1999. This is staggering and unacceptable! We cannot afford to ignore the needs of any of our students and specifically with regard to SYETP, the needs of students who have potential to be productive members of our society when they reach adulthood.

Thank you in advance for your support and assistance.

Sincerely,

GEORGE GRANGER,
President.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this bill tonight, and this amendment, the Istook/Barcia/Manzullo Amendment to the Labor HHS bill. Mr. Chairman, for the first time EVER, the House Appropriations Committee voted to impose a restrictive provision in this bill which will require that minors require five business days' parental notice or parental consent before a minor can obtain contraceptive services at a Title X clinic.

I have consistently opposed mandatory parental consent requirements for young people seeking family planning services, and I am not alone. The American Medical Association, the American Academy of Pediatrics, the American Academy of Physicians, and the American Medical Women's Association are just a number of the organizations that also oppose this restriction. The reason is because such restrictions are dangerous to our country's young people.

There is no question that recent declines in the teen pregnancy and teen abortion rates have been attributed to increased use of birth control. The vast majority of young people who seek contraceptive and family planning services are already sexually active. In one recent study of over 1,200 teenagers in 31 family planning clinics, only 14 percent of the teens came in for family planning services prior to initiating sexual activity. In fact, over ⅓ of these teens (36 percent) sought services ONLY because they suspected they were pregnant. This legislation will only make it worse. In general, teens are sexually active for 11.5 months prior to seeking clinic services! This provision will not persuade our young people to have sex, it will ensure that the rates of unintended pregnancies, abortion and STDs including HIV increase! Currently 78 percent of teen pregnancies are unintended, half of which end in abortion. Approximately 3 million teenagers acquire an STD each year! I am sure that no Member of Congress wants these numbers to increase, yet making it more difficult for teenagers to seek reproductive health services will do just this.

Title X counselors are already required to encourage family participation for teen clients. However, Congress, despite, its wishes cannot mandate open family communication. Title X clinics encourage their teenage clients to discuss their needs with parents or family members they can trust. Confidential access to family planning is crucial in helping teenagers obtain timely medical advice and appropriate medical care.

Our children are our most important resource. We must do whatever we can to make sure that our children remain safe and healthy. I am voting against this amendment because I want our children to have a childhood and to keep our teenagers from becoming parents.

Mr. CASTLE. Mr. Speaker, as you know, Title X of the Public Health Service Act, the National Family Planning Program, sponsored by then-Congressman George Bush, was enacted in 1970. It was signed into law by President Nixon. The program provides grants to public and private non-profit agencies to support projects which provide a broad range of family planning and reproductive services, as well as screening for breast and cervical cancer, sexually-transmitted infections and high blood pressure. Title X also supports training providers, an information and education program, and a research program that focuses on family planning service delivery improvements. The Title X program has provided services to millions of American women, many of whom have no other access to health care services. By law, none of the funds provided may be used for abortions.

Today, we are considering a bill that includes a provision requiring parental consent or advanced notification in order for a minor to receive contraceptive drugs or devices. Ideally, we would like all teens to abstain from premature sexual relationships. Ideally, we would like to think that all teenagers have a wonderful relationship with a loving parent. Unfortunately, the reality is that for many, many teens neither is the case. There are young people who are scared to death of their parents. There are young people who do not have parents. And, the unfortunate reality is that there are young people who would rush out and have unprotected sex if they knew practicing safe sex would come at the price of having their parents find out. This is what the mandatory parental consent and advanced parental notification provision does.

In many cases such a provision would actually increase the chances of teenagers engaging in unprotected, nondiscriminatory or unsafe sex, thereby increasing the rates of pregnancy, sexually-transmitted diseases, and abortions. 56% of women and 73% of men are sexually active before the age of 18. 86% of teenagers using or seeking Title X services for the first time were already sexually active for nearly a year. In addition, studies show that about 55% of adolescents already inform parents of their use of reproductive health services. For those who do not or cannot discuss family planning with their parents, mandatory parental consent and advanced parental notification are not likely to convince them otherwise. In fact, an overwhelming number of teens who do not involve their parents in such decisions reported that they would not seek clinic care if their parents had to be notified. Let me repeat—they would not seek clinic care. This means that they are left to make decisions on their own, and those decisions will most likely lead to unprotected sex, higher rates of pregnancy and higher rates of abortion.

Let me give you an example. In my home state, as scary as this is, there are kids who have reported that they cannot tell their parents about the use of family planning services because they are afraid they will be hurt physically. We also had a case where parents of a 15 year old girl refused to bring her to get family planning services until she was 16 years old and had her drivers license. Well, she turned 16, she got her drivers license and she was already pregnant. If she had the services a year before, she wouldn't be in this predicament. Now, I'm not saying this is the norm. What I am saying is that we need to take situations like this into consideration before we start mandating policies as far reaching as this one. If parents and guardians are unable to help these teenagers, for whatever reason. I believe health professionals should help.

I also want to note that the Greenwood/Castle amendment does not in anyway discourage parental involvement. It simply strikes the mandatory parental notification clause and inserts strong language requiring Title X providers to take a strong stand on abstinence, by expressly informing all minors that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, and HIV. Our language ensures that all Title X counselors receive training on how to help minors abstain from sexual activity, avoid coercive relationships, and involve their parents in the decision to receive family planning services.

We support family involvement, and if we believe that mandating parental consent or notification was in the best interest of teens, than we would support that as well. But, we do not. There are too many facts that demonstrate that mandating parental consent will hurt teens considerably more than it could ever help them.

Congressmen ISTOOK and MANZULLO will offer a second degree amendment to our amendment inserting the parental consent or notification language back into the bill. I urge my colleagues to vote against their amendment and for the Greenwood/Castle amendment. Mandated parental consent or notification would scare teens into doing something

stupid—like having unprotected sex in secret rather than having their parents find out that they wanted to be safe and responsible.

Mr. PAUL. Mr. Chairman, I am sorry that under the rule my amendment to the Labor-HHS-Education Appropriations bill is not permitted. This simple amendment forbids the Department of Health and Human Services from spending any funds to implement those sections of the Health Insurance Portability and Accountability Act of 1996 authorizing the establishment of a ''standard unique health care identifier'' for all Americans. This identifier would then be used to create a national database containing the medical history of all Americans. Establishment of such an identifier would allow federal bureaucrats to track every citizen's medical history from cradle to grave. Furthermore, it is possible that every medical professional, hospital, and Health Maintenance Organization (HMO) in the country would be able to access an individual citizen's record simply by entering the patient's identifier into the national database.

My amendment was drafted to ensure that the administration cannot take any steps toward developing or implementing a medical ID. This approach is necessary because if the administration is allowed to work on developing a medical ID it is likely to attempt to implement the ID on at least a ''trial'' basis. I would remind my colleagues of our experience with national testing. In 1997 Congress forbade the Department of Education from implementing a national test, however it allowed work toward developing national tests. The administration has used this ''development loophole'' to defy congressional intent by taking steps toward implementation of a national test. It seems clear that only a complete ban forbidding any work on health identifiers will stop all work toward implementation.

Allowing the federal government to establish a National Health ID not only threatens privacy but also will undermine effective health care. As an OB/GYN with more than 30 years experience in private practice, I know better than most the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given their doctor will be placed in a data base accessible by anyone who knows the patient's ''unique personal identifier?''

I ask my colleagues, how comfortable would you be confiding any emotional problem, or even an embarrassing physical problem like impotence, to your doctor if you knew that this information could be easily accessed by friend, foe, possible employers, coworkers, HMOs, and government agents?

Mr. Chairman, the Clinton administration has even come out in favor of allowing law enforcement officials access to health care information, in complete disregard of the fifth amendment. It is bitterly ironic that the same administration that has proven so inventive at protecting its privacy has so little respect for physician-patient confidentiality.

My amendment forbids the federal government from creating federal IDs for doctors and employers as well as for individuals. Contrary to the claims of some, federal-ID numbers for doctors and employers threaten American liberty every bit as much as individual medical IDs.

The National Provider ID will force physicians who use technologies such as e-mail in their practices to record all health care transactions with the government. This will allow the government to track and monitor the treatment of all patients under that doctor's care. Government agents may pull up the medical records of a patient with no more justification than a suspicion the provider is involved in fraudulent activity unrelated to that patient's care!

The National Standard Employer Identifier will require employers to record employees' private health transactions in a database. This will allow coworkers, hackers, government agents and other unscrupulous persons to access the health transactions of every employee in a company simply by typing the company's identifier into their PC!

Many of my colleagues admit that the American people have good reason to fear a government-mandated health ID card, but they will claim such problems can be ''fixed'' by additional legislation restricting the use of the identifier and forbidding all but certain designated persons to access those records.

This argument has two flaws. First of all, history has shown that attempts to protect the privacy of information collected by, or at the command, of the government are ineffective at protecting citizens from the prying eyes of government officials. I ask my colleagues to think of the numerous cases of IRS abuses that were brought to our attention in the past few months, the history of abuse of FBI files, and the case of a Medicaid clerk in Maryland who accessed a computerized database and sold patient names to an HMO. These are just some of many examples that show that the only effective way to protect privacy is to forbid the government from assigning a unique number to any citizen.

Even the process by which the National Identifier is being developed shows disdain for the rights of the American people. The National Committee on Vital and Health Statistics, which is developing the national identifier, attempted to keep important documents hidden from the public in violation of federal law. In fact, one of the members of the NCVHS panel working on the medical ID chastised his colleagues for developing the medical ID ''in an aura of secrecy.''

Last September, NCVHS proposed guidelines for the development of the medical ID. Those guidelines required that all pre-decisional documents ''should be kept in strict confidence and not be shared or discussed,'' This is a direct violation of the Federal Advisory Committee Act, which requires all working documents to be made public. Although NCVHS, succumbing to public pressure and possible legal action against it, recently indicated it will make its pre-decisional documents available in compliance with federal law, I hope my colleagues on the Rules Committee agree that the NCVHS attempt to evade the will of Congress and keep its work secret does not bode well for any future attempts to protect the medical ID from abuse by government officials.

The most important reason, legislation ''protecting'' the unique health identifier is insufficient is that the federal government lacks any constitutional authority to force citizens to adopt a universal health identifier, regardless of any attached ''privacy protections.'' Any federal action that oversteps constitutional limitations violates liberty for it ratifies the principle that the federal government, not the Constitution, is the ultimate arbitrator of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress and the American people to follow Thomas Jefferson's advice and ''bind (the federal government) down with the chains of the Constitution.''

For those who claim that this amendment would interfere with the plans to ''simplify'' and ''streamline'' the health care system, under the Constitution, the rights of people should never take a backseat to the convenience of the government or politically powerful industries like HMOs.

Mr. Chairman, all I ask is that Congress by given the change to correct the mistake made in 1996 when they authorized the National Health ID as part of the Kennedy-Kasebaum bill. The federal government has no authority to endanger the privacy of personal medical information by forcing all citizens to adopt a uniform health identifier for use in a national data base. A uniform health ID endangers the constitutional liberties, threatens the doctor-patient relationships, and could allow federal officials access to deeply personal medical information. There can be no justification for risking the rights of private citizens. I therefore urge the Rules Committee to take the first step toward protecting Americans from a medical ID by ruling my amendment to the Labor-HHS–Education Appropriations bill in order.

Mrs. CLAYTON. The Labor-HHS-Education Appropriations Bill is one about priorities. Cutting successful and extremely important education and labor programs is not a priority for me.

Mr. Chairman, I am very disturbed about the number of programs that have been left out of this bill.

Strong employment and training programs for youth and adults would help mitigate problems arising from people who do not have the skills or the intent to be good employees. Yet, this Labor HHS and Education Appropriations bill decimates funding for these very programs. This bill eliminates funding for effective programs such as School-to-Work, Summer Jobs, and Job Corps.

By eliminating the Summer Jobs program, the bill denies jobs to a half-million of our most disadvantaged youth. Without these funds, ¾ of the young people currently participating in this program would be without a job next year. Are these not the same youth who concern us because of their potential for gang affiliation, violence and crime?

The bill, in its original form, eliminated the Low-Income Home Energy Assistance Program (LIHEAP)—a program that helps 4.4 million low-income households pay their heating and cooling bills. However, the manager's amendment may appropriate money for LIHEAP, but it will only be a fraction of the 1.1 billion appropriated in advance last year for use in FY 1999. 1.5 million of the 4.4 million households have elderly members. 1.3 million have disabled members. And 2.1 million have children in poverty. Who, out of the 4.4 million households, will receive the benefit of this insufficient amount of money?

This bill also cuts funding for the Goals 2000 education reform program by 50% below current levels. And, it cuts OSHA workplace safety enforcement by 9% below the administration's request. It's ironic. How can you eliminate so many programs and claim to improve

and support opportunities for employment, and the good health and education of the people of our country?

We must restore these programs and remain committed to initiatives that allow the disadvantaged to survive. We must remain devoted to programs that educate our youth and dedicated to providing our youth with opportunities that prepare them for the world of work.

Mr. Speaker, this is a bill about priorities. This is a bill about values. It is not my priority to eliminate necessary programs. And it definitely is not a priority for the disadvantaged individuals in our society.

However, it is my priority to ensure that our youth and those who are disadvantaged are treated fairly and are given the opportunity to be productive citizens. So I ask you . . . honestly is this your priority? If it is, then vote no to the Labor-HHS-Education Appropriations Bill.

Mr. PORTER. Mr. Chairman, I rise in opposition to the Istook substitute.

The Istook amendment is unwise and should be opposed.

A. First, because it overturns the considered judgment of many states.

1. Virtually all states have laws providing for some degree of confidentiality in the provision of such services to minors.

2. In Illinois, statute provides that physicians may give birth control services and information to minors under a number of circumstances—including when the minor is already married, is already a parent, or when failure to do so would create a serious health hazard.

3. This amendment would overturn the considered judgment of the state of Illinois in enacting these provisions—and you might find that it poses similar problems in your state. And I do not recommend abrogating a law that empowers physicians to act to address serious health hazards.

4. In fact, there are presently twenty-three states that explicitly ensure minors' access to confidential family planning services. The amendment directly contravenes these state's judgments.

5. If we are going to set up this Congress as a super State Legislature, it seems to me that, at a bare minimum, we should look at these state laws carefully and incorporate the learning of the states on this subject?

B. Second, the Istook amendment is premised on the false logic that, if minors had to tell their parents they were getting contraceptive services, they would abstain from sexual activity. That sounds good, but unfortunately its wrong.

1. The truth is that most minors who go to Title X projects have already been sexually active for about a year. They go to a Title X project when they fear they have contracted a disease, become pregnant, or they decide they need contraceptives.

2. When they enter the door, they receive counseling by professionals who attempt to ascertain the nature of the relationship, including potential sexual abuse, encourage the minor to consider abstinence and to involve their parents in their decision making, and educate them on how to resist coercive sexual activity.

3. If these minors who are already sexually active know that they will not be able to receive contraceptives, they will not go to the project. They will not receive abstinence counseling or other protective assistance. They will continue to have sex, contract STDs, become pregnant and, statistics tell us, over half will have abortions.

4. And minors from dysfunctional families who may suffer abuse at home and be surrounded by drug and alcohol abuse and crime may have many valid reasons for wishing to not involve their parents. Categorically mandating that involvement, in the absence of a court order is neither wise nor realistic.

5. This is why so many states expressly protect confidential services for minors.

6. And this is why medical organizations—the provider organizations that know the realities better than anyone in this room—support confidential services.

a. As the American Medical Association has told us, AMA policy opposes mandatory parental notification when prescription contraceptives are provided to minors through federally funded programs since it creates a breach of confidentiality in the physician-patient relationship.

b. The American Public Health Association and American Nurses Association are similarly opposed.

We should heed this judgment and support the substitute.

Mr. CLAY. Mr. Chairman, I rise in opposition to the H.R. 4274, the Labor/HHS Appropriations bill, because through it the House Republicans propose to make drastic cuts in many programs that are vitally important to all Americans, but especially to those most in need whose very survival and growth depends upon the assistance they receive from their government. Fortunately, however, this destructive bill is going nowhere and every Member of this body knows it for the sham that it is. The Republican leadership recognizes they don't have the votes to pass it and are negotiating to include another version of this measure in the Omnibus spending bill.

The funding levels in the bill, as reported, fall $2 billion short of what democrats believe is needed to improve our schools and prepare our children for the 21st Century. There are no funds for America Reads, which helps endure that all children can read well when they complete the third grade. There are no funds to help communities hire 100,000 new teachers and reduce class size so that students can have a better chance to learn. There are no funds to help communities modernize and build schools that provide safe and appropriate learning environments. Clearly, there is nothing in this bill that reflects any investment in the future of public education. In fact, this bill grossly underfunds existing and proven educational programs upon which we have long relied.

Later today, this body will consider a bipartisan conference report reauthorizing the Head Start program, yet this appropriations bill would provide $160 million less than what the President has requested to run Head Start next year. A second bipartisan conference report to be taken up today extending child nutrition programs, would authorize new funds for meal supplements to induce greater participation in after-school programs. This appropriations bill, however, would provide $140 million less than what the President requested to operate these very same after-school programs. I can't imagine how any Member who would vote today to reauthorize our Head Start and nutrition programs could, in good conscience, support these devastating cuts.

Regrettably, Mr. Speaker, the cuts don't stop here, there are many many more. For example, funding for Title I, bilingual education, Safe and Drug Free Schools, Work-Study, and School to Work are all cut. Without the assistance there programs, provide, thousands of disadvantaged students will be deprived of both the educational and career opportunities they need to succeed in life.

Our nation's labor force also suffers under this appropriations bill. It cuts funding for critical worker protection programs run by the Occupational Safety and Health Administration, and the Mine Safety and Health Administration. Several regulatory riders are attached that compromise these agencies' effectiveness. In addition, the bill undermines efforts to help our youth enter the workforce by completely defunding the Summer Jobs Program and the President's Youth Opportunity Areas Initiative.

Finally, Mr. Chairman, this bill eliminates funding for the Low Income Energy Assistance Program which provides heating and cooling assistance for over 5.5 million low and fixed-income households. With winter approaching, many of those who have relied on this program may soon be forced to choose between heating their homes and feeding their families. That should be totally unacceptable in a nation as prosperous as ours. But rather than meet this urgent need, Republicans would rather squander available dollars on tax cuts for the wealthy.

Mr. Chairman, this is a bad bill that hurts students, working families, and our most neediest families. I strongly urge Members to oppose it.

Thank you Mr. Chairman.

The Chair recognizes the gentleman from Illinois (Mr. PORTER).

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

Mr. OBEY. Mr. Chairman, because I think this is a colossal waste of time, I, too, yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the House Resolution 564, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to that resolution, Amendment No. 1 printed in House Report 105–762 may be offered only at the appropriate point in the reading of the bill. Pursuant to House Resolution 584, Amendments No. 2 and 3 shall be in order before the consideration of any other amendment.

The Amendments No. 2 and 3 printed in the report may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the order of the House today, equally divided and controlled by the gentleman from Pennsylvania (Mr. GREENWOOD) for 8 minutes, the gentleman from Oklahoma (Mr. COBURN) for 8 minutes, the gentleman from Oklahoma (Mr. ISTOOK) for 8 minutes, and the gentleman from Ohio (Mr. STOKES) for 8 minutes, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, namely:

AMENDMENT NO. 2 OFFERED BY MR. GREENWOOD

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

(The portion of the bill to which the amendment relates is as follows:)

SEC. 220. (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this or any other Act for any fiscal year for carrying out title X of the Public Health Service Act may be made available to any family planning project under section 1001 of such title if any provider of services in the project knowingly provides contraceptive drugs or devices to a minor, unless—

(1) the minor is emancipated under applicable State law;

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices;

(3) a court of competent jurisdiction has directed that the minor may receive the drugs or devices; or

(4) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices.

(c) Each provider of services under title X of the Public Health Service Act shall each year certify to the Secretary of Health and Human Services compliance with this section. Such Secretary shall prescribe such regulations as may be necessary to effectuate this section.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 1999''.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in the House Report Number 105–762 offered by Mr. GREENWOOD:

Page 52, strike line 8 and all that follows through page 53, line 8, and insert the following:

(b)(1) The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall require that each family planning project under section 1001 of title X of the Public Health Service Act—

(A) expressly inform all minors who seek the services of the project that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, and infection with the human immunodeficiency virus; and

(B) ensure that all individuals who provide counseling services to minors through the project are trained to provide to minors counseling that encourages the minors—

(i) to abstain from sexual activity;

(ii) to avoid being coerced into engaging in sexual activities; and

(iii) to involve their parents in the decision to seek family planning services.

(2) The Secretary, acting through the Deputy Assistant Secretary for Population Affairs, shall carry out the following with respect to family planning projects referred to in paragraph (1):

(A) The Secretary shall develop and disseminate to the projects protocols for providing the counseling described in paragraph (1)(B), including protocols for training individuals to provide the counseling.

(B) The Secretary shall ensure that such protocols include protocols specific to younger adolescents.

(C) In developing protocols under subparagraphs (A) and (B), the Secretary shall consider the results of research under title XX of the Public Health Service Act.

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3. A SUBSTITUTE AMENDMENT OFFERED BY REPRESENTATIVE ISTOOK OF OKLAHOMA OR HIS DESIGNEE TO THE AMENDMENT NUMBERED 2 OFFERED BY REPRESENTATIVE GREENWOOD OF PENNSYLVANIA OR HIS DESIGNEE

Strike section 220 (page 52, line 3, and all that follows through page 53, line 8) and insert the following:

SEC. 220. (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this or any other Act for any fiscal year for carrying out title X of the Public Health Service Act may be made available to any family planning project under section 1001 of such title if any provider of services in the project knowingly provides contraceptive drugs or devices to a minor, unless—

(1) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices; or

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices; or

(3) the minor is emancipated under applicable State law; or

(4) a court of competent jurisdiction has directed that the minor may receive the drugs or devices.

(c)(1) The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall require that each family planning project under section 1001 of title X of the Public Health Service Act—

(A) expressly inform all minors who seek the services of the project that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, and infection with the human immunodeficiency virus; and

(B) ensure that all individuals who provide counseling services to minors through the project are trained to provide to minors counseling that encourages the minors—

(i) to abstain from sexual activity;

(ii) to avoid being coerced into engaging in sexual activities; and

(iii) to involve their parents in the decision to seek family planning services.

(2) The Secretary, acting through the Deputy Assistant Secretary for Population Affairs, shall carry out the following with respect to family planning projects referred to in paragraph (1):

(A) The Secretary shall develop and disseminate to the projects protocols for providing the counseling described in paragraph (1)(B), including protocols for training individuals to provide the counseling.

(B) The Secretary shall ensure that such protocols include protocols specific to younger adolescents.

(C) In developing protocols under subparagraphs (A) and (B), the Secretary shall consider the results of research under title XX of the Public Health Service Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Pennsylvania (Mr. GREENWOOD) and a Member opposed, the gentleman from Oklahoma (Mr. COBURN) each will control 8 minutes.

AMENDMENT NO. 3 OFFERED BY MR. ISTOOK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GREENWOOD

Mr. ISTOOK. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 3 printed in House Report 105–762 offered by Mr. ISTOOK as a substitute for the Amendment No. 2 offered by Mr. GREENWOOD:

Strike section 220 (page 52, line 3, and all that follows through page 53, line 8) and insert the following:

SEC. 220. (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this or any other Act for any fiscal year for carrying out title X of the Public Health Service Act may be made available to any family planning project under section 1001 of such title if any provider of services in the project knowingly provides contraceptive drugs or devices to a minor, unless—

(1) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices; or

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices; or

(3) the minor is emancipated under applicable State law; or

(4) a court of competent jurisdiction has directed that the minor may receive the drugs or devices.

(c)(1) The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall require that each family planning project under section 1001 of title X of the Public Health Service Act—

(A) expressly inform all minors who seek the services of the project that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, and infection with the human immunodeficiency virus; and

(B) ensure that all individuals who provide counseling services to minors through the project are trained to provide to minors counseling that encourages the minors—

(i) to abstain from sexual activity;

(ii) to avoid being coerced into engaging in sexual activities; and

(iii) to involve their parents in the decision to seek family planning services.

(2) The Secretary, acting through the Deputy Assistant Secretary for Population Affairs, shall carry out the following with respect to family planning projects referred to in paragraph (1):

(A) The Secretary shall develop and disseminate to the projects protocols for providing the counseling described in paragraph

(1)(B), including protocols for training individuals to provide the counseling.

(B) The Secretary shall ensure that such protocols include protocols specific to younger adolescents.

(C) In developing protocols under subparagraphs (A) and (B), the Secretary shall consider the results of research under title XX of the Public Health Service Act.

(d) Each provider of services under section 1001 of title X of the Public Health Service Act shall each year certify to the Secretary of Health and Human Services compliance with this section. Such Secretary shall prescribe such regulations as may be necessary to effectuate this section.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Oklahoma (Mr. ISTOOK) and a Member opposed, the gentleman from Ohio (Mr. STOKES) each will control 8 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a virtual reality debate as we know. This bill is not going to go anywhere. This is a debate that should have occurred months ago, and the opponents of free debate on the floor held us up for months, but now we will have the debate. I think we can and should do it in a civilized way.

This is the issue. The gentleman from Oklahoma (Mr. ISTOOK) in the Committee on Appropriations inserted language into the title 10 program, the program that provides family planning services to Americans, to lower income Americans, so that they can avoid pregnancy and provide services so that they can avoid sexually transmitted diseases.

The language of the gentleman from Oklahoma (Mr. ISTOOK) says that, when a minor, a 17-year-old teenager who has been sexually active for a long time, as is usually the case, comes into a clinic. The clinic counselor must send a letter to the parents and the child. The minor cannot receive services for 5 additional days.

I understand the gentleman's intent. I am a parent. But it is wrong-headed. The result of that language, the result of that policy is that if young people do not go into centers and clinics, they do not get the services they need, they become pregnant, and they get diseases.

Our language makes it clear that every family counselor, every family planning counselor has to encourage family involvement in the decision of minors to seek family planning services and provide counseling to minors on how to resist coercive sexual relations.

It requires them to expressly inform all minors that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, including HIV.

It requires further that every counselor have state of the art training to encourage, to learn how, and teach kids to involve their parents with these decisions and to abstain from sexual activity.

I urge a ''no'' vote on the Istook amendment and a ''yes'' vote on the underlying Greenwood amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, the Committee on Appropriations has sought to reform a Federal program that has not been revised or reviewed by the Congress in a great number of years, that being Federal Family Planning.

It is not a matter of 17 years olds, it is a matter of children of any age whatsoever, Mr. Chairman. It is not a matter of just low income persons because the effect of not having parental notice is to say that any child is considered to be a child of poverty and, therefore, at taxpayers' expense, can receive, among other things, taxpayer financed contraceptives, condoms, birth control pills, IUDs, diaphragms, with neither the knowledge or consent of their parents.

Now, Mr. Chairman, if the government were enabling children to be involved with drugs or alcohol or were aware that they were involved, parents would be notified. There is no other circumstance like this where parents are cut out.

The issue is to vote that parents have a right to know, to be involved with the morals and the life and the activities of their children. That is simply why we encourage a vote for the Istook substitute to provide for parental notice, which is sadly lacking today.

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Mr. GREENWOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. STOKES) for purposes of control.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. STOKES) will control 4 minutes.

There was no objection.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding to me. Mr. Chairman, I yield the 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank my distinguished good friend and ranking minority member, the gentleman from Ohio, (Mr. STOKES).

My colleagues, the Istook provision represents the latest attack by family planning opponents against our Nation's flagship program. Three years ago, family planning opponents tried to zero out funds for the Title X program. They failed. Two years ago, family planning opponents led by the gentleman from Oklahoma (Mr. ISTOOK) offered a parental consent amendment, and it failed. Last year the gentleman from Oklahoma (Mr. ISTOOK) offered language nearly identical to that which he is offering today. That amendment also failed.

These attacks on the Title X program have failed because a majority of Members in this body, pro-life and pro-choice, understand that denying teens access to family planning does not promote abstinence. I only wish it were that simple.

Contrary to what we will hear today, the Istook language does not promote family values or protect the authority of parents over their teenagers. As a mother of 3 and a grandmother of 2, I can vouch for that. And instead, cutting off family planning services to teens simply increases STDs and HIV infections, unintended pregnancies and abortions.

The Istook provision would deny contraception to minors unless they have the consent of their parents or waited 5 days after their parents were notified before obtaining contraception. Some of my colleagues are making a distinction between notification and consent, but who is kidding who? The 5-day waiting period before contraception can be obtained is no different than parental consent. The AMA, the American Academy of Pediatricians, Child Welfare League, Public Health Association, Social Workers and Nurses Association all oppose the mandatory parental notification restrictions in the Istook amendment.

Of course, we would prefer that all teens consult with their parents about important life decisions such as using contraception. We would prefer that teens abstain from having sex altogether. But unfortunately, we know that teens will not change their behavior just because Congress passes a law. Instead, teens will forego contraception rather than facing their parents.

In fact, studies show that over 80 percent of teens seeking family planning services have already been sexually active for nearly a year. By denying contraceptive services to tens of thousands of teens, the Istook language will simply result in higher rates of STDs, more unintended pregnancies and more abortions. If teens are required to obtain parental consent for contraceptive services, they will also avoid STD and HIV screening and routine gynecological exams.

Our Nation already leads the western world in teen pregnancies. Millions of teens have some kind of STD, and the incident of AIDS among teens is, frankly, alarming.

Mr. Chairman, we need to address these problems, but not by making Title X services more difficult to obtain. My colleagues, we have a teen pregnancy crisis in the country, and the Istook provision, in my judgment, will only make it worse. By contrast, the Greenwood-Castle substitute before us today promotes sensible policies for teens. It promotes the values we all share: abstinence for teens and parental involvement. However, it does not threaten the health of teens by withdrawing contraceptive services from our most vulnerable teens who simply have nowhere else to turn.

Please, I say to my colleagues, think carefully. Let us protect the health and well-being of our teenagers, reduce the teen pregnancies which lead to abortion, support the Greenwood-Castle substitute, and oppose the Istook second degree amendment.

Mr. ISTOOK. Mr. Chairman, we have 3 cosponsors of the amendment: myself, the gentleman from Michigan (Mr. BARCIA), and the gentleman from Illinois (Mr. MANZULLO).

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, the reason for the Istook-Barcia-Manzullo amendment is simple. In McHenry County, Illinois, which I represent, a 37-year-old teacher was raping a 13-year-old student of his over and over and over again. He took her to the Title X-funded McHenry Tri-County Health Clinic. She was injected on 3 different occasions with Depo-Provera, which is a harsh chemical. In fact, the chemical of choice for chemical castration by convicts.

Her parents had no idea that she was getting these shots. In America today, children as young as 12 years old are being injected, implanted, and given prescriptive medication without their parents even knowing.

Our bill does something very simple. It adopts the language of the gentleman from Oklahoma (Mr. ISTOOK) that Title X health care providers are required to counsel all minors regarding abstinence. It adopts the gentlewoman from New York (Mrs. LOWEY'S) problem with this bill that says that children are getting STDs because our bill still allows them to get STDs. In fact, the clinic is still open. Kids can get all the information they want.

What we are simply saying here is this: Allow the parents in this Nation to be put in charge of the sexuality of their children. It is just that simple. We talk about 17 year olds, the gentleman from Pennsylvania (Mr. GREENWOOD) talks about. I wonder at what age he would allow young women to get these injections. In Winnebago County, we understand it is 12 years old. Winnebago County, Illinois.

So vote for the Istook-Barcia amendment that does 3 things. Parents are given actual notice that their children are about to receive prescriptive drugs. It provides for judicial bypass. The amendment does not require parental notification for a minor to receive information, counseling and treatment of STDs. A very modest request.

JAMA, Journal of American Medical Association, in a study done in September of 1997 would agree with this position.

Mr. GREENWOOD. Mr. Chairman, I yield myself 15 seconds.

In response to the previous speaker, one cannot conduct this debate by using the most exaggerated, extreme cases. In the real world, it is 16- and 17-year-old kids who have no parent at home to talk to, who will have no counseling unless the Greenwood amendment is adopted.

Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in support of the Greenwood amendment and in opposition to the Istook amendment.

I would like to explain to everybody, this is not pro-life and pro-choice. We need to understand what is going on. Mr. Chairman, 55 percent of all teenagers consult with their parents before they do anything. Eighty-six percent of the teenagers that go into these clinics looking for contraceptive devices or other help are already sexually active.

In a perfect world we would have no sexual activity among teenagers, but we do. And when they come in there, they are looking for help, and the help they are getting hopefully will help them prevent STD or pregnancy and abortion. It is my personal view that if we are able to give them the help, even though we may not prefer that they be involved with a sexual activity, but if we give them that help that they are going to in that way be able to prevent getting sexual diseases, prevent pregnancy, and therefore, prevent the abortion.

I love the idea of mandatory parental notification. That is the difference between our bills, because everything else is provided for in the Greenwood-Castle bill, except for the mandatory parental notification, but if we do that, we are not going to have these kids go in and get the help they need. Please support the Greenwood bill.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I think it is crucial to understand that we are not talking about the past when a child goes into a Title X clinic, we are talking about the future. We are talking about enabling the future conduct with a program that spends $200 million of taxpayers' money a year and gives these to 1½ million teenagers without the knowledge of their parents.

Mr. COBURN. Mr. Chairman, I yield 1 minute and 15 seconds to the gentlewoman from Idaho (Mrs. CHENOWETH).

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

I just simply wanted to say that I rise in great support of the Istook amendment.

Mr. Chairman, the tendency in these days is to interfere with that very precious relationship between parents and children, and yes, children are going to do what young people do. But nevertheless, the parents are still primarily responsible for their children, and we as lawmakers must do all that we can to make sure that relationship stays strong and the parents remain responsible.

In a recent Gallup poll of over 500 teenagers between the ages of 15 and 17, fully 66 percent of those polled said that they believed that parental consent, which is a stronger standard than we are asking for in the Istook amendment, parental consent should be required. This is what teenagers said.

Also, in another recent poll it also said that 47 percent of all unintended pregnancies in the U.S. occur when women are on contraceptives. We need more than just contraceptives. We need good parental relationships, and we need to encourage that.

Mr. GREENWOOD. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the gentlewoman who just spoke said that we need more than contraceptives. That is why the Greenwood language is so focused on abstinence, abstinence counseling. That is why we are so focused on getting the families in. The problem is that not every kid has the right parent to do that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in very strong support of the Greenwood-Castle amendment and in opposition to the Istook amendment.

This current language in the bill requiring parental consent or notification would really do great harm to our efforts to lower the number of unintended pregnancies and abortions, and to our efforts to reduce the incidence of sexually transmitted diseases, including HIV and AIDS.

On the face of it it sounds very reasonable, but it really ignores the realities of the young people who seek care at these clinics. The vast majority of them are already sexually active, have been for almost a year or more, and many of them seek these services because they are afraid they may be pregnant or they have a sexually transmitted disease.

Mr. Chairman, if teens are required to obtain parental consent for any of the Title X services, many of them will avoid the program entirely. It is important to remember that some contraceptives provide protection from STDs. And the opportunity to provide accurate, potentially life-saving education on the transmission of HIV and other STDs could also be lost if teens avoid these services because of parental consent requirements.

I think the Greenwood-Castle amendment offers all kinds of counseling that would be necessary.

I just want to point out the medical community is overwhelmingly opposed to parental consent notification requirements for minors, and I hope that this Congress will support the Greenwood-Castle amendment and oppose the Istook amendment.

The CHAIRMAN. The Chair will seek a clarification of the gentleman from Pennsylvania. Did the gentleman yield 4 of his 8 minutes to the gentleman from Ohio (Mr. STOKES)?

Mr. GREENWOOD. Mr. Chairman, I believe I yielded 4 minutes, and I would be delighted to yield another 4 minutes.

The CHAIRMAN. The gentleman has exhausted the balance of his time through yielding it to the gentlewoman from New York (Mrs. LOWEY).

Mr. GREENWOOD. Mr. Chairman, is it the case then that the time is not entirely fungible, but that there will be

another 8 minutes yielded on the Greenwood underlying amendment? Is that correct?

The CHAIRMAN. The time was allocated at the outset for both propositions.

Mr. ISTOOK. Mr. Chairman, if I may inquire as to the time remaining and the different allocations.

The CHAIRMAN. The Chair asks indulgence for 1 minute. The Chair understands the time as fungible.

Under the unanimous consent, each of the following Members were recognized for 8 minutes:

The gentleman from Oklahoma (Mr. ISTOOK); the gentleman from Oklahoma (Mr. COBURN); the gentleman from Ohio (Mr. STOKES); the gentleman from Pennsylvania (Mr. GREENWOOD), and that is on both amendments, in combination, total time.

So the gentleman from Pennsylvania (Mr. GREENWOOD), perhaps under a misunderstanding, has yielded 4 of his 8 minutes to the gentleman from Ohio (Mr. STOKES), who used that time. The gentleman from Ohio (Mr. STOKES) may, in turn, choose to yield 4 minutes of his time back to the gentleman from Pennsylvania.

Mr. STOKES. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD)

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The CHAIRMAN. The gentleman from Ohio (Mr. STOKES) yields to the gentleman from Pennsylvania (Mr. GREENWOOD) for his management of 4 minutes of time.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I rise in support of the Istook amendment to allow parental notification of minors seeking contraceptives in Title X clinics.

In a recent Gallop survey of 500 teens age 13 through 17, 66 percent indicated that they believed that parental consent should be required before minors received birth control, and believed in fact that parental support and involvement would be beneficial to them.

I would like to also point out, current law requires minors to receive parental consent to have their ears pierced, or even, in cases of an allergy sufferer, to receive an allergy shot. Yet these children can gain access to hormones or other contraceptive drugs that can in fact pose a serious danger to the health of that child. In effect, this issue begs the question of what role should parents have in helping to determine their children's health care needs.

I want to say that while I respectfully disagree with my distinguished colleagues, I commend them for their concern and their focus on abstinence, also, as a key method of preventing unwanted pregnancies.

The CHAIRMAN. The Chair will advise the four Members controlling time, for purposes of the debate that the decision is that the gentleman from Oklahoma (Mr. ISTOOK) as a member of the committee will have the right to close, and the gentleman from Ohio (Mr. STOKES) as a member of the committee will be next to last in closing.

In order to balance the other two, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Pennsylvania (Mr. GREENWOOD), it is in the Chair's discretion to decide. In order to alternate pro and con on this issue overall, the gentleman from Pennsylvania (Mr. GREENWOOD) will go first in the final use of time, the gentleman from Oklahoma (Mr. COBURN) will go second, the gentleman from Ohio (Mr. STOKES) third, and the gentleman from Oklahoma (Mr. ISTOOK) fourth.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Istook-Barcia-Manzullo amendment. I encourage all of my colleagues to vote for it, and vote against the Greenwood amendment.

As many know, I practiced medicine prior to coming to the Congress, including working in emergency rooms. When I work in the emergency room, one of the things we always fear is the possibility that a minor child can come in with a serious illness and the parents will not be with them, and we will not be able to get parental consent.

The reason why that is a very, very serious concern is if we stitch up a wound or give a drug and that child has a reaction to that drug, we can actually be prosecuted for assault. Indeed, a minor child cannot get an aspirin from a school nurse, nor, as was stated previously on the other side of the aisle, their ears pierced without parental consent in the United States. But there is one place in the United States today where a minor child can get medical care without parental consent, and that is in the Title X family planning clinics.

It has been proposed or expounded that these clinics are somehow cutting down on the incidence of AIDS, unwanted pregnancies, or HIV. I would assert that all the research data indicates that since this program began that the incidence of all of those things has gotten consistently worse, not better.

Indeed, I would assert that this policy established by this Congress has been a tremendous assault on the integrity of the family, and has played a role in the explosion of sexual activity.

In closing, I would just like to say one additional thing. The data that has actually come out of the Alan Gutmacher Institute indicates that up to as many as 50 percent of these kids under the age of 18 are having sexual relations with a man over the age of 18, and in the vast majority of the States that is statutory rape. Indeed, in the case cited by the gentleman from Illinois (Mr. MANZULLO), it involved a teacher of 37 years having relations with a 13-year-old child.

So I would encourage all of my colleagues to vote with the gentleman from Oklahoma (Mr. ISTOOK) on his amendment. It is the right thing to do for the family, it is morally right, and the arguments being put forward by the opponents of the gentleman from Oklahoma (Mr. ISTOOK) are incorrect.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, in the real world it is not hard for kids to get condoms. We may not like it, but it is true. Would Members not rather that they got the advice that came from someone who said to them, you ought to talk to your mom and dad about that; that it was someone skilled enough that they would know how to tell that kid how to talk to their mom and dad? A lot of kids do not talk to their mom and dad about this stuff because they actually do not know how to approach it.

They would sit them down and say, look, this is how you do it, then back them up, and say, come back to me and talk to me about it. A lot of kids need to be coached to talk to their parents, because their parents do not talk to them. Their parents do not talk to them, not just about sex, but also not about school, not about friendships, not about intimacy, not about love.

If Members want to mandate, mandate that everyone has to get anything they want to use from a Title X clinic or any health clinic that meets these standards. Then every kid, including the kid that the gentleman from Illinois (Mr. MANZULLO) was so concerned about, she would have come someplace that was skilled in explaining to her, you do not have to participate in coercive sexual relationships.

My point is that we do not tell kids this is coercive sex, we do not tell them they do not have to do this. We do not get them someplace where there are skilled people who can help them build their relationships with their family, help them resist the kind of pressures that are on them, help them understand that abstinence is the only real protection. Furthermore, it gives them a chance to develop their personal power as a young woman.

If Members want to mandate, mandate that they get whatever it is that they want to get from skilled counselors, from a facility that can give them the advice and guidance they need to go to the right people, their families. Remember, States are a lot closer to these problems. Connecticut has a very good law. I ask Members, please do not override our good law with their mandate.

Mr. COBURN. Mr. Chairman, I yield 15 seconds to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, in the case in Illinois, under Illinois law,

the 13-year-old did receive abstinence counseling.

Mr. COBURN. Mr. Chairman, I am happy to yield 45 seconds to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, the Istook amendment does protect our children, and it does provide counseling for children during the time that they are going through emotional problems in their lives. But it does protect a parent's right to know. It simply requires that a parent be notified before their child is given contraception. As parents, we do want to know that. We want to know if they smoke, drink, or do drugs. I do not really see why this is any different.

One thing we have not talked about is that all birth control is not safe, because it has been documented that birth control can be very damaging to young girls going through puberty. It can cause blood clotting, bone deterioration, blindness, among a long list of possible side effects, and even death in girls with heart conditions. It has been a cause of brainstem stroke in teenagers. So I urge Members to support the Istook amendment.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me.

Mr. Chairman, this is a difficult time. Let me share a fact in our community. A young woman living with a stepfather and her mother, a young woman having her future before her, her stepfather sexually abused her. There obviously was not enough communication in that home. The child wound up pregnant.

I support the Greenwood-Castle substitute, for any other approach to that would go against what 23 States have done. This now will require Title X counselors to expressly inform all minors that abstinence is the only certain way to avoid pregnancy, sexually transmitted infections, and HIV, but it adds counseling to this process. It makes clear that Title X providers must abide by State laws in the reporting of contribution, child molestation, sexual abuse, rape, and incest.

Now we are talking more to these young women who may come for these kinds of prescriptions, but then also share and burden those who are counseling them, what is going on in their home, and maybe this tragedy in Houston would not have occurred.

The Greenwood-Castle substitute ensures that all Title X counselors receive state-of-the-art training on how to help minors abstain from sexual activity, avoid coercive sexual relationships, and involve their parents in the decision to receive family planning.

Mr. Chairman, if the Istook amendment is passed, we will see more of those victims, impregnated young girls, losing the future of their lives. I would ask that we vote for the Greenwood-Castle substitute only.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong support of the Istook-Barcia-Manzullo parental notification amendment. Parents should have the right to know what the Federal Government is doing to their children. It absolutely amazes me that the opponents of this provision do not have a problem with having to write a note for their daughters to receive an aspirin at school or permission to have their ears pierced. Yet, when it comes to young girls being given serious birth control prescription by strangers, opponents do not believe that parents should even be told, that they even have the right to know.

President Clinton has said, parents quite simply have a right to know. Unfortunately, he was not referring to parents having the right to know about their children being given DepoProvera, he was referring to the importance of parents knowing which companies are most responsible for the problem of teen smoking.

If parents quite simply have the right to know about teen smoking, then surely they have the right to know if their minor daughter is receiving potentially dangerous contraceptive prescriptions. The Istook amendment is the only amendment that requires parental notification for prescription contraceptives. The Greenwood amendment would gut this provision.

I urge Members to vote for the Istook-Barcia-Manzullo amendment, to give parents the right to protect their minor daughters.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, in my State alone over 300,000 women and teens rely on Title X for their only reproductive health care. Studies show that 80 percent of teens who currently seek family planning advice at clinics would stop going if they had to tell their parents. The Istook language will cause many teens to delay or, even worse, avoid seeking essential health care services, placing their health at risk.

How can we claim to be protecting the health of our young women if we pass legislation that damages their health by restricting access to the care they need? I agree that ideally teens should be encouraged to talk to their parents about their health care decisions, but we do not live in an ideal world, and millions of teens do not live in ideal families.

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The Greenwood-Castle substitute is the correct approach. It provides teens with the message that abstinence is the only way to avoid pregnancy, STDs and HIV infection without restricting their access to needed health care.

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

The CHAIRMAN. The Chair would inquire of the gentleman from Oklahoma (Mr. COBURN) how many speakers he has remaining for his 1½ minutes.

Mr. COBURN. Just one, Mr. Chairman.

The CHAIRMAN. And how many speakers does the gentleman from Pennsylvania (Mr. GREENWOOD) have remaining for his 2 minutes?

Mr. GREENWOOD. One, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio (Mr. STOKES) has 30 seconds remaining. In that case, I think it would be appropriate that all the rest of the time be used for closing statements.

So then it is appropriate under the previous direction of the Chair that the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized to close with 2 minutes.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is one of those debates where real good friends look at each other and say, ''How can you think this way? How can we come to such different conclusions?''

Mr. Chairman, these are my two pretty little girls and I love them and I want to make sure that nothing ever happens to them. And they are so lucky. They are so lucky because their mother and I talk to them, and we are going to talk to them about their health and their sexuality and their personalities and the strength of their character. And when they come to this decision, they will have us.

But walk out the door of this building. Walk out the door of this building and tell me how many minutes it takes to find the first teenage girl whose parents could care less about her; if they knew where she was, if she knew where they were. Tell us what value it is that we are accomplishing when we send a letter into that home, we send a letter into that home from an agency.

Do my colleagues know what happens? The girl says, Do not send that letter there. I do not want this service, if that is what it means. And so where does she live? She lives in a world in which she has predators. She could be 15 or 16, and there are guys in those neighborhoods all over America, all kinds of neighborhoods, preying on her, putting her at risk of pregnancy, putting her at risk of abortion, putting her at risk of HIV.

She has got nobody. She does not have a parent. She does not have, if the Istook language prevails, a counselor. She has got nobody to teach her what is right. And if we want these values taught to these poor kids, just like we want them taught to our kids, vote for the Greenwood amendment and please vote ''no'' on the Istook amendment.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, this program provides birth control pills and other contraceptives to kids. Not just those who are 17, but it freely gives them to those who are 15, to those who are 13, to those who are 12, to those who are 11, to those who are 11, 10, with no limit, totally ignoring the State laws on the books about age of consent.

Without the language, the Istook language in the bill, we do not even have a requirement to turn in people who are taking advantage of kids, and then taking them to these clinics for birth control, who are breaking the law that is designed to protect minors and our kids.

The issue is should $200 million a year of taxpayers' money go to provide contraceptives to 1.5 million kids each year without their parents knowing it? This is not emergency care. We do not say they have to have notice if they need treatment, if they have already contracted some disease. It is only if they are giving out contraceptives for future sexual activity.

And birth control pills, yes, they have side effects. They have interactions. Parents need to know about their children's health, as well as about their children's morals, if they are going to be involved in being able to give parental guidance.

The Istook language has counseling on abstinence. It has a requirement that State laws are to be followed in reporting sexual predators. For goodness sakes, Mr. Chairman, let the parents know.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS) for the purpose of closing.

Mr. EDWARDS. Mr. Chairman, this debate is certainly not about statutory rape, nor is it about taking aspirin. What this debate is about is the real world consequences of the Istook amendment, regardless of the intentions.

I often hear my Republican friends and colleagues talking about taking responsibility for one's actions. They are right, and I agree. And what taking responsibility means on the Istook amendment is that the supporters of this amendment must honestly face the real world consequences of the actions of this amendment and the result of this amendment, if it were to pass into law.

According to the expert opinion of the American Medical Association, the American College of Obstetricians and Gynecologists, and even the American Family Physicians, is that this type of amendment could cause several things to happen. First, more unplanned pregnancies. Because of that, more abortions.

It could also cause in the real world a lot of young teenagers to have serious health problems that otherwise could have been prevented, including lifelong infertility for young women who would love to some day have a family of their own, like many of us are blessed to have our own family.

I do not question the intentions of the gentleman from Oklahoma (Mr. ISTOOK) or his supporters but I do ask them to face not the ideal world in which we would like to live but the real world and the real world consequences that we actually do live in.

I will finish. To suggest that there is anything in the Greenwood language that would come between families and teenagers and parents is absolutely simply not true.

Mr. ISTOOK. Mr. Chairman, I yield the balance of the time to the gentleman from Oklahoma (Mr. COBURN), a family doctor who practices in this area, to close the debate.

The CHAIRMAN. The gentleman from Oklahoma (Mr. COBURN) is yielded the remaining 4 minutes.

Mr. COBURN. Mr. Chairman, first of all, let me thank the gentleman from Illinois (Mr. PORTER) for the way he worked with us this year. He has my utmost respect. I also want to say that the gentleman from Pennsylvania (Mr. GREENWOOD) and I have become good friends through this because we have both learned something from one another.

I do not doubt anybody's motives here, but I definitely doubt the gentleman's knowledge of the facts. I am in the real world every day dealing with teenagers who are pregnant and have a sexually transmitted disease. Do you know what? Two-thirds of them have already been to the Title X clinic. We enabled them to fail.

At the time we have this debate today, 32,000 Americans will get a new sexually transmitted disease, and of that, 17,000 have already been to a Title X clinic.

So the question is, what are the real facts? I agree, if we put in the Istook language, some additional young women will get pregnant; some will get a sexually transmitted disease. But what about all those children now who are going to a Title X clinic or using birth control pills and do not use them right because it is not talked to by their parents? They do not even brush their teeth at night, let alone remember to take a pill.

Here is the science on oral contraceptives. This is married couples taking the pill, here is what we can expect: 12 to 16 percent of them get pregnant in the first year. Why would we think a 12 or a 16 or 18 year old would not? That does not have anything to do with sexually transmitted diseases, of which human papilloma virus is growing like gangbusters, and herpes, now 40 percent of our population has herpes.

Oral contraceptives do not protect; a condom does not protect. What are we going to give our children for the two greatest sexually transmitted diseases that we have today? The only thing that we can give them is the knowledge of involving their parents back with them in this decision.

I agree, there will be young women who will choose not to go but there will be hundreds of thousands of young women who do have an opportunity to have a relationship with their parents renewed and discuss this issue. If they choose to continue to take oral contraceptives, they will have a parent there saying be sure and take your pill; be sure and do not be indiscriminate; let us teach you how to do it.

The idea of the gentleman from Pennsylvania (Mr. GREENWOOD) on counseling, I agree.

Title X, for those under 18 years of age, in my opinion, is one of the biggest causes of failure of our children. It is not a help. The facts do not show that it is a help. We like to say it is a help because of all of the problems we see.

I give teenage girls oral contraceptives. I practice in this area. But before they walk out of my office, after I have tried to talk them out of it, I make sure they know everything about it, everything about it. The real world is, is there are some wonderful Planned Parenthood clinics that do a good job but the real world on Title X clinics is they do not. They hand them a book of pills and a piece of paper and say, go. They never say the first thing about they are not going to be protected against a sexually transmitted disease.

Finally, my colleagues need to know about the NIH study. Ninety thousand teenagers, 1993, we sponsored the study, here is what it says: The number one way to keep teenagers from getting pregnant or getting a sexually transmitted disease is to connect the parent to the teenager. It is called parental connectedness.

Why would we not want to have a government policy that follows the largest study ever done in our country on this issue?

It is an easy, simple thing. We all want the same thing. We do not want our kids to get pregnant. We do not want them to get a sexually transmitted disease. The difference is, there is a base of knowledge and if we will really look at it we will all go to the same point. We are not 100 percent right or 100 percent wrong.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), as a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes any recorded vote on the underlying Greenwood amendment.

The vote was taken by electronic device, and there were—ayes 224, noes 200, not voting 10, as follows:

[Roll No. 504]

AYES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fossella
Fowler
Fox
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—10

Buyer
Fazio
Kennelly
Martinez
McDade
Moakley
Peterson (PA)
Poshard
Pryce (OH)
Yates

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Ms. HOOLEY of Oregon changed her vote from ''aye'' to ''no.''

Mr. STUPAK and Mr. NEY changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD), as amended.

The amendment, as amended, was agreed to.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 4274, and that I may include tabular and extraneous material.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-321)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4101, the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999.'' I am vetoing this bill because it fails to address adequately the crisis now gripping our Nation's farm community.

I firmly believe and have stated often that the Federal Government must play an important role in strengthening the farm safety net. This appropriations bill provides an opportunity each year for the Government to take steps to help hardworking farmers achieve a decent living, despite the misfortune of bad weather, crop disease, collapsing markets, or other forces that affect their livelihoods. It is especially necessary for the Government to act this year, with prices dropping precipitously, crops destroyed by flood, drought, and disease, and where many farmers will see their net income drop by as much as 40 percent below a 5-year average.

Two years ago, when I signed the ''Freedom to Farm Bill,'' I made clear that it did not provide an adequate safety net for our Nation's farmers. There is no better proof of that bill's shortcomings than the hardship in America's farm country this year. Our farm families are facing their worst crisis in a decade.

My Administration has already taken steps to address this crisis. In July, we announced the purchase of $250 million of wheat to export to hungry people around the world. In August, I signed legislation to speed up farm program payments. But in the face of a growing emergency for our Nation's farmers, we must do more to ensure that American farmers can continue to provide, for years to come, the safest and least expensive food in the world. Last month, I sent to the Congress a request for $2.3 billion in emergency aid for our farmers, and I supported Senator Daschle's and Harkin's proposal to boost farm income by lifting the cap on marketing loan rates.

I am extremely disappointed that the Congress has reacted to this agriculture emergency situation by sending me a bill that fails to provide an adequate safety net for our farmers. I have repeatedly stated that I would veto any emergency farm assistance bill if it did not adequately address our farmers' immediate needs, and this bill does not do enough.

The lack of sufficient emergency aid for farmers in this bill is particularly problematic in light of the bill's other provisions that affect farmers and their rural communities. Cutting edge agricultural research is absolutely essential to improve our farmers' productivity and to maintain their advantage over our competitors around the world. But this bill eliminates the $120 million in competitive research grants for this year that I strongly supported and signed into law just last June. It also blocks the $60 million from the Fund for Rural America provided through that same bill, preventing needed additional rural development funds that would help our Nation's rural communities to diversify their economies and improve their quality of life. The bill also cuts spending for our food safety initiative in half, denying funds for research, public education, and other food safety improvements.

Many of our most vulnerable farmers have also had to face an obstacle that no one in America ever should have to confront: racial discrimination. Over 1,000 minority farmers have filed claims of discrimination by USDA's farm loan programs in the 1980s and early 1990s that the statute of limitations bars from being addressed. While I am pleased that this legislation contains a provision waiving the statute of limitations, I am disappointed that it does not contain the language included in the Senate's version of this bill, which accelerates the resolution of the cases, provides claimants with a fair and full court review if they so choose, and covers claims stemming from USDA's housing loan programs.

Therefore, as I return this bill, I again call on the Congress to send me a comprehensive plan, before this session ends, that adequately responds to the very real needs of our farmers at this difficult time.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 7, 1998.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, be referred to the Committee on Appropriations.

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

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message of the President to the bill, H.R. 4101, and that I may include tabular and extraneous material.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–799) on the resolution (H. Res. 586) waiving points of order against the conference report to accompany the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REREFERRAL OF H.R. 1804, JOHN McKINLEY FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 1804) to designate the Federal building located at 210 Seminary Street in Florence, Alabama, as the ''John McKinley Federal Building'' and that the bill be rereferred to the Committee on Government Reform and Oversight.

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

There was no objection.

REREFERRAL OF H.R. 4668, JOHN T. MYERS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4668) to designate the facility of the United States Postal Service at 30 North 7th Street in Terre Haute, Indiana, as the ''John T. Myers Federal Building'' and that the bill be rereferred to the Committee on Government Reform and Oversight.

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

There was no objection.

AUTHORIZING AWARD OF CONGRESSIONAL MEDAL OF HONOR TO THEODORE ROOSEVELT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2263.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 2263.

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.

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 tomorrow.

SENSE OF HOUSE REGARDING NATIONAL SCIENCE POLICY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) expressing the sense of the House of Representatives that the print of the Committee on Science entitled ''Unlocking Our Future: Toward a New National Science Policy'' should serve as a framework for future deliberations on congressional science policy and funding.

The Clerk read as follows:

H. RES. 578

Whereas the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedom of all peoples; and

Whereas the Committee on Science of the House of Representatives is hereby submitting a print to Congress entitled ''Unlocking Our Future: Toward a New National Science Policy'': Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the print from the Committee on Science entitled ''Unlocking Our Future: Toward a New National Science Policy'' should serve as a framework for future deliberations on congressional science policy and funding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased to come to the floor today in support of H. Res. 578, which asks the House to endorse the Science Committee's National Science Policy Study, produced by our friend and colleague from Michigan the Committee Vice Chairman (Mr. EHLERS). The study ''Unlocking Our Future: Toward a New National Science Policy'' is the result of over a year's work by the committee and reflects an approach to science policy that has earned the support of both sides of the aisle.

We have all heard the expression ''if it ain't broke, don't fix it.'' Well, the clear message of this report is that, while not exactly broke, America's science policy is nonetheless in need of some pretty significant maintenance.

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Mr. Speaker, this then is not a visionary document, but it is, I think, a document for visionaries. After all, that is what is scientists are, and it is important that we find ways to support them for the contributions they make to our national security, our health and our welfare, and this study succeeds in doing just that.

In my view what makes this report different from other science policy reports published by various groups over the years, some of them very good, is the Committee on Science's intention to act on its recommendations in future oversight hearings in legislation. Indeed this report should not be seen as the end, but rather the beginning of a long process that will involve Congress, the Executive Branch, the States, universities and industry all working together.

Mr. Speaker, this report has generated a great deal of excitement within the scientific community, and before concluding my remarks I would like to share with the House some statements in support of this document from our colleagues and in the Executive Branch.

Dr. Neal Lane, the President's Science Adviser, said he found the report to be harmonious with the President's established science policy goals, and he commended it for underscoring the importance of sustaining and nurturing America's world-leading science and technology enterprise.

Dr. Rita Colwell, Director of the National Science Foundation also praised the report noting its emphasis on the critical role of Federal support for fundamental research and especially merit based investments in university research. Doctor Colwell was also gratified that the report highlights the singular role that math, science and technology education play in any discussions of national science policy.

Mr. Speaker, I insert the full text of these statements in the RECORD:

STATEMENT OF DR. NEAL LANE

In general, I find the Committee's report to be harmonious with the President's established science policy goals. I commend Representative Ehlers for underscoring the importance of sustaining and nurturing America's world-leading science and technology enterprise. Half of our economic productivity in the last half-century is attributable to technological innovation and the science that supports it.

The report's recommendations on the importance of education concur with the President's views that the degree to which our nation flourishes in the 21st century will rest upon our success in developing a well-educated workforce able to embrace the rapid pace of technological change.

I hope this report will serve as a catalyst for broad-based bipartisan Congressional support of the Administration's thoughtful investments across the entire science and technology portfolio. Such a partnership to stimulate scientific discovery and new technologies will take America into the new century well equipped for the challenges and opportunities that lie ahead.

I look forward to working with House Science Committee Vice Chairman Ehlers and other members of Congress to ensure that our national science policy keeps in step with a changing world.

STATEMENT BY DR. RITA COLWELL

I want to commend Rep. Vern Ehlers of his diligent work in preparing this report on national science policy. I am particularly pleased that the report emphasizes the critical role of federal support for fundamental research, and especially for merit based investments in university research. The technological developments that are key to economic growth, public health, and national prosperity all rely on discoveries occurring at and across the frontiers of science and engineering.

I am also gratified that Rep. Ehlers has highlighted the singular role that math, science and technology education play in any discussion of national science policy. We cannot expect to maintain a system of world class research unless we have broad support from an informed public, and we cannot have an informed public unless we commit ourselves to improving public science literacy. I look forward to working closely with Rep. Ehlers in fostering widespread awareness and discussion of the issues raised in this report.

In closing, Mr. Speaker, the Nation's scientific enterprise is too important to our future to be left on auto pilot. In adopting House Resolution 578 and endorsing the National Science Policy Study the House will be sending an unmistakable signal that America's scientific enterprise will no longer be taken for granted in the Halls of Congress, and the real work will begin of turning the ideas in this report into sound policy that is good for science and good for the Nation.

I urge my colleagues to support this resolution.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise to speak on H.R. 578, and I commend my colleague the honorable gentleman from Michigan (Mr. EHLERS) for the significant effort to bring forward a comprehensive science policy report, and I commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BROWN) for allowing it to come this far. The report offers a guide and framework for continued focus on the importance of science as well as an outline for future congressional scientific discussions and deliberations regarding policy and funding options. The report, however, lacks significant input on issues of major concern.

My Committee on Science colleagues, the gentlewoman from California (Ms. LEE), the gentlewoman from Oregon (Ms. HOOLEY) and the gentlewoman from Texas (Ms. JACKSON-LEE), and I offered dissenting views for inclusion as a means to strengthen the report. We find the report needs to address four critical areas: the role of under represented populations in the fields of science and technology, social and behavioral sciences, K–12 science and math education and the challenges of environmental quality.

The role of unrepresented populations:

This report makes only passing mention of the role of unrepresented populations as African Americans, hispanic and people with disabilities in the field of science and technology. It is essential that any science policy document address the need to create a policy to include these populations in our Nation's science and technology efforts. If we do not, we will have a technology divide between Americans.

For example, presently the percentage of white households owning computers is 40.8 percent as compared to 19.3 percent of African American households and 19.4 percent of hispanic households. In addition, 39 percent of black students in public schools have access to computers at school compared with 56 percent of white students. Solving this problem is crucial because from 1996 to year 2006 employment in science and engineering occupations is expected to increase at more than three times the rate of any other occupations. At the same time some projections state that by year 2000, two-thirds of the new entrants into the American work force will be made up of minorities and women. But the number of hispanic and African American first year graduate enrollment in science and engineering fields dropped by 16.2 percent and 19.3 percent respectively from 1996 to 1997. Taken together, these trends spell disaster as a whole. Whole generation of young people may be left behind unable to ride the technological wave.

To begin this process we recommend:

1. The development of programs to involve under-represented communities in the field of science and technology. For example, the National Science Foundation's urban systemic and rural systemic initiative programs focus on a specialized math and science curricula at the high school level. Programs which are based on variables such as household income will improve the education of our youth. High schools with a majority of low-income students have been shown to lack adequate science, engineering, math and technology curricula.

The involvement of under-represented populations in the scientific community by partnership programs between historically black colleges and universities, hispanic-serving institutions, large research institutions and corporate industry. Cooperative research and development agreements, the CRADAs, is an excellent opportunity for collaborations, provide role models and a support system for smaller institutions. However recent National Science Foundation data show from 1993 to 1994 that research institutions received approximately $12.7 billion from 10 Federal agencies. Ten billion dollars of this amount was allocated to the top 100 research universities, but not one historically black or historically hispanic university received a substantial amount. Only $140 million went to the top 81 historically black and historically hispanic producing students while John Hopkins alone received $701 million. More needs to be done to develop the CRADAs with minority institutions of higher education if we are to see more minorities in the fields of science and technology.

In offering these views it is our hope that any future congressional conversations include the aforementioned in an effort to create a national science policy which is sound, diverse and inclusive. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) will control the balance of the time on the minority side.

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS), the author of this report.

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

Mr. EHLERS. Mr. Speaker, I am pleased to address the House this evening to speak regarding the report of the Committee on Science, Unlocking Our Future: Toward a New National Science Policy, that I have spent much of the last year working on.

We started this mammoth effort just one year ago. It has involved a tremendous amount of work on the part of myself, the gentleman from Wisconsin (Mr. SENSENBRENNER) the gentleman from California (Mr. BROWN) and our staffs, and has had the full support of the Speaker, and I certainly wish to thank them all for their support and their work.

I consider the release of this report to be a commencement; it is a beginning and not an end. It is intended to serve as the foundation for continued discussion within the Committee on Science, within the Congress and within the Nation regarding the future funding of science and policy decisions relating thereto. This report was not intended to be an end in itself, but rather to stimulate discussion and provide direction for the Congress and for the Committee on Science in future deliberation on this topic.

I am certainly delighted by the reception the report has received up to this point. The gentleman from Wisconsin (Mr. SENSENBRENNER) has named some of the responses we have received, those from the Director of the National Science Foundation, from members of the bipartsan Senate Science and Technology Caucus, and from the White House in the person of the Director of the Office of Science and Technology Policy. All of them have indicated support for the report, and similar letters from many scientists, scientific organizations and universities have been pouring into our office and into the chairman's office.

The only comments that we received reflecting reservations agree with and support most of the report, but are concerned about what is not in the report. In other words, they believe that we should have gone further, and indeed we should have and would have in certain subject areas had we had the time.

In particular I would like to respond to the comments of the gentlewoman from Texas who spoke just before me. I appreciate and agree with much of what she just said. There is a great need for us to continue our work in the area of underrepresented populations. I am pleased to report and I do acknowledge in the report, that the instigation, the seed for this report, arose from an African American, Dr. Homer Neal of the University of Michigan, who was Chairman of the U.M. Physics Department when I was in the Michigan State Senate. He invited me to the campus, and we began discussions regarding science and science policy. He eventually became Vice President of Research and then Interim President of the University of Michigan and was instrumental in pulling together a large number of scientists—administrators from major universities to begin discussions on this topic. They met with me, they met with the previous chairman of the Committee on Science, Mr. Walker, and then Dr. Neal organized a symposium at the University of Michigan which was instrumental in beginning the process of developing a science policy in this Nation.

In preparing this report we sought input from the scientific community. I have personally spoken to or with approximately 10,000 scientists and perhaps two thousand nonscientists over the course of the past year. In addition, we started a web site. We have received over 300 E-mails and well over 50 letters, very thoughtful letters, I might add, from scientists across the country. We have held seven hearings specifically on this topic, and in addition to that last year held four hearings on science, math, engineering and technology education, something that is extremely important to this country. We listened very carefully to what every group or individual had to say, and I believe this report reflects much of what we have learned.

But as important as what we learned from these sources was the conviction that we started with.

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Our goal, our vision, was that America ought to maintain and improve her preeminent position in science and technology in order, first of all, to advance human understanding of the universe and all that it contains, and, second, to improve the lives, health, and freedoms of all peoples on this planet.

Science—including the physical, natural, life and social sciences, math and engineering can help bring about this vision. The scientific and technological enterprise is critical to bringing about advances in understanding that help ensure that we can maintain our national defense, keep people healthy, and bring about prosperity.

I might add that, if we can maintain people's health and their prosperity, we have introduced a great deal of stability which very naturally will lead to greater democracy in this planet. I truly believe that science and technology are the key to our economic future—as a Nation, and as a planet.

But for science to continue to exert its beneficial effects on society, the scientific enterprise must be kept strong and sustainable. Much of our report is devoted to recommendations for doing so.

We have identified three major areas needing attention. (1) We must have continued discoveries at the scientific frontier; (2) we need research advances in the private sector; and (3) we must improve our system of education from preschool through graduate school.

These are critical areas to address because, first of all, future advances in fundamental research will depend largely on substantial and stable funding for this research from the Federal Government.

Second, research in the private sector and industry is important in bringing the fruits of understanding-driven research to society through applied research.

Third, science and math education, the development of our Nation's intellectual capital, is fundamentally important to our Nation's future.

While the freedom of individual researchers is necessary to bring about ground-breaking scientific discoveries, it is crucial that the scientific and engineering enterprise strengthen its ties to society, the taxpayers, who support it. Our report suggests a number of ways to do so.

In addition, science has another role, and that is to help us make decisions, as a society, as a government, within both the regulatory sector and the judicial branch, as individuals and as voters. We must develop and strengthen our ability to draw on science and engineering to help us make decisions, and our report suggests ways to bring this about.

In writing a document that adhered to my initial goals, in that it should be coherent, comprehensive, and yet concise, we were not able to address any particular issue or aspect of the scientific enterprise in great depth.

Because the report is so comprehensive, encompassing not only the role of the Congress or the Federal Government but also the private sector and our entire education system, it does not explore any particular issue in great depth. It is instead a broad-brush view of the entire science and engineering enterprise.

In part because of this ''big picture'' approach, this report is the beginning of a process, not the end of one.

The work of addressing specific science policy issues will have to come later. I am gratified, in fact, that the additional views submitted by some committee members indicate a desire to pursue further issues raised in the report. It is my hope that we will do so in the next Congress.

Much hard work remains. We must address these issues that are so critical to maintaining our science and technology enterprise. Let's start that process. I urge my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, a year ago at the Science Policy Study Kick-off Roundtable, Speaker Gingrich said, and I quote, ''You give me a mission large enough to mobilize the Nation. You give me a set of strategic investments large enough to be worth doing, and then make it my problem to go out and figure out how to find the money.''

The gentleman from Michigan (Mr. EHLERS) accepted this challenge, and I commend him on his efforts to lay down a national policy for science, math, engineering, and technology.

In setting policy, decisions must be made about the direction this country should move in, the precedence we are willing to set, and the scientific agenda for the coming years.

The problem with this report is that, and this has been already acknowledged, so I am not trying to beat a dead horse, the Speaker sought a bold visionary document, and what he got was a document which, valuable as it is, still satisfies mainly the needs of the status quo.

The Speaker, in reviewing the report at the press conference with which it was announced said this is a very good start, but it really only scratches the surface of what over the next 4 or 5 years will have to be a very important national dialogue.

This is the situation that we are in. I like the report as far as it goes. I think I can echo what the gentleman from Michigan (Mr. EHLERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) said. But I have cast my role here in the Congress at trying to look beyond the status quo at what needs to be done to solve the problems of the future. To me, this report does not go far enough in terms of that particular kind of goal.

So I am going to offer and I have offered to continue to work with the gentleman from Michigan (Mr. EHLERS) whose contribution is very valuable. I have gone through many science policy reports over the last 30-odd years. I think this is the first one that I have seen that was completed on time and under budget. I think any person who can do that in dealing with a complex subject like this deserves to be commended.

What I do think we need to do now is to accept the judgment of the Speaker that we need to continue working in this direction and to give our very best efforts to doing that.

The gentlewoman from Texas has pointed out some of the areas in which we need to continue working. This report, incidentally, as the gentleman from Michigan (Mr. EHLERS) has indicated is very acceptable to the research universities of this country and to those who benefit from the present establishment of science.

They like the idea of the Congress committing itself to provide more money for what they are already doing, and they will be glad to spend that. That is not the problem.

The question now is what social purpose are we serving through the expenditure of that money? We no longer can justify on the grounds of, let us say, national security, although we will continue to spend some money on that, but that will continue to decline. We need to look for new ways of answering the question, for what purpose are we supporting this very large scientific establishment that we have created.

I happen to feel that such an establishment is of very great value, but I think we need to look at a new paradigm in terms of the purpose of that establishment and what it can do to achieve the goals of human society.

I know that the gentleman from Michigan (Mr. EHLERS) referred to the need for greater democracy on this planet. Our good friend, the gentleman from California (Mr. DREIER) in his eloquent remarks this morning quoted from Madison's Federalist Paper Number 51 on the problems of justice and how to achieve them.

The physical sciences cannot solve those kinds of problems, but it is conceivable that newly developing areas of science, in the social sciences, the cognitive sciences, interdisciplinary science, a number of other areas might cast some light on this age-old search for a more effective, just society that we have not yet achieved.

We sometimes almost look as if we are not even coming closer to it. But we need to use the best minds of this society to work on the most important goals, the goals of the highest priority to this society. This is the mind-set that we have to inculcate in the scientific leadership of this country today.

I am not discouraged at the possibility of doing that. I think this report, perhaps, does give us a framework in which we can move forward in that direction. But because I feel that it is my goal to continue to be the doubting Thomas and to focus on the needs of the future, I am going to withhold my support. I did this in committee, I might say, although I did not make any effort to influence the other members of the committee.

I can tell you that more than 75 percent of the Committee on Science have signed their approval of this, which I think is probably a figure that ought to be even exceeded by the full House.

But I am going to play the role that I have chosen, hoping that the gentleman from Michigan (Mr. EHLERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) will understand that I feel that, that way, I can make the greatest contribution to moving us forward along some of the more unorthodox paths that we need to follow if science is truly going to be the asset to this society that I know it can be.

Mr. Speaker, one year ago, at the Science Policy Study Kick-off Roundtable, Speaker NEWT GINGRICH said: ''You give me a mission large enough to mobilize the nation. You give me a set of strategic investments large enough to be worth doing, and then make it my problem to go out and figure out how to find the money.''

Representative EHLERS accepted this challenge and I commend him on his effort to lay down a national policy for science, math, engineering, and technology.

In setting policy, decisions must be made about the direction this country should move in, the precedents we are willing to set, and the scientific agenda for the coming years. Unfortunately, these are precisely the decisions that were absent from the report.

The speaker sought a bold, visionary document; what he got was largely an affirmation of the status quo.

Any discussion surrounding this report or this broad topic must be put in context and not viewed as an isolated event. This Science Policy Report is not the first of its kind—not even the first such study by the Science Committee—and it will not be the last.

Over the last two decades I can point to a long string of incremental steps in the evolution of our thinking on science policy. In fact, I can find twenty significant studies on national science and technology policy just within the last few years, and I would ask permission to append this list to these remarks.

Twenty-two years ago, President Gerald Ford helped redefine the federal role in science policy with the signing of the National Science and Technology Policy, Organization, and Priorities Act of 1976, a major work of the House Science and Technology Committee. While the Act was signed by the President, it was never fully implemented.

However, it did lead to the further definition of the federal role in technology transfer and advanced technology development in the 1988 Trade Bill signed by President Reagan. The Trade Bill then opened up a restructuring of

the broad area of Government-Industry-University cooperation as one way to making the U.S. industrial system more competitive with the national systems of Europe and Asia, which historically had encouraged closer ties between government and industry.

During the Bush Administration, under the skilled guidance of his Science Advisor, Dr. D. Allan Bromley, and with the input of many science and technology organizations, continued progress was made in improving the process of innovation, of moving new inventions and technologies from the labs to the marketplace, and defining, through the device of cooperative research and development agreements, the legal structure for individual institutional agreements.

With the end of the Cold War, this policy debate has intensified. The House Committee on Science, Space, and Technology issued a report in 1992 on the health of research.

The Clinton Administration has attempted to make this imprint on science policy with the 1994 report, ''Science in the National Interest,'' a product of the Office of Science and Technology Policy. This report prompted Congressional hearings and a renewed discussion of science and technology policy at the national level.

With this historical perspective in mind, I would offer some guiding principles for an ongoing dialogue about the future of science policy.

First, a new science policy should reflect our understanding of the process of creativity and innovation. Second, a new science policy should articulate the public's interest supporting science—the goals and values the public should expect of the scientific enterprise. Third, a new science policy should point towards decision-making tools for better investment choices.

With respect to our understanding of the process of creativity and innovation, virtually no one still believes in the Vannevar Bush-era linear model of scientific breakthroughs leading inexorably to technological developments.

Despite report language endorsing a more sophisticated model of science and technology innovations arising through an iterative process, the Ehlers report ultimately puts its money on the old linear model by emphasizing Federal support for ''basic'' research. The report provides no guidance on how the Federal government should determine that a ''market failure'' has occurred in the downstream parts of the R&D process or what types of policies would be appropriate to redress such failures. I think we should work together to develop a policy on the appropriate limits of Federal support that fits with our understanding of how innovation actually works. Let's put our money where our model is.

Further, the Ehlers report seems to support the traditional ''hard'' sciences with only passing mentions of engineering, biology, bio-technology, the social sciences or the cognitive and policy sciences. I think we need a more holistic conception of what constitutes important science and worthwhile endeavors. An argument can be made that the most pressing issues facing our society—crime, education reform, social justice—are more likely to be addressed through investments in social science rather than in the hard sciences. Yet, the report is silent on the need to support this important research.

Next, concerning the public's interest in supporting science and what goals and values the public should expect of the scientific enterprise, it was over fifty years ago that Vannevar Bush argued that science was worth public support because it could ''insure our health, prosperity, and security as a nation in the modern world.'' I think those general goals are still valid today. However, I also believe that we need to do a more rational job of identifying specific social needs that science can help us remedy. What are the long term goals for society which the public should expect from these investments? To put it simply, science for what end? It isn't enough to declare science a public good and walk away from the table.

When we use public resources to support science and tchnology, we should clearly identify the public purposes which we desire to achieve.

In addition to clearly articulating the goals for science, we need to squarely face the values that science can help enhance or undermine. I am particularly concerned about the possibility that increasing technological sophistication and maldistribution of educational opportunity could create a two-tiered society. What steps can we take to guarantee that we do not become a society of technological haves and have nots? This is a question of justice and equity in access to science education, and to the fruits of the scientific and technological enterprise.

To give an example, it is unfair to use public funds for biomedical research if the fruits of that research are so expensive that only a handful of the most economically advantaged can enjoy them. That is a hidden redistribution of wealth and life-expectancy from poorer Americans to richer Americans under the guise of ''basic'' research in the life sciences. A new science policy must wrestle with these type of questions.

Another example can be found in the disparity that continues to exist between the number of white males and the number of women and minorities who have access to and pursue higher education in science and technology fields.

Some projections show that by the Year 2000, two-thirds of the new entrants into the American workforce will be made up of minorities and women. These numbers present a compelling argument for inclusion of these groups when one considers sources of scientific capital, the make-up of our workforce, and the nation's consumer base. Therefore, the question is not if, but when, we will begin to seriously tackle the issue of underrepresenttion of these groups. Any comprehensive policy effort must address the inclusion of under-represented groups and acknowledge the future implications for the economy and society if we fail.

And lastly, as regards our decision-making tools for better investment choices. In addition to identifying clear goals and values, a new science policy should point towards methods for making better decisions. Some of the elements for that are in place. For example, the Government Performance and Results Act (GPRA) challenges our agencies to develop comprehensive goals and measurements. However, in research and development programs, GPRA is still a fairly blunt instrument and is in need of fine-tuning.

The Office of Science and Technology Policy is in a position to provide some overall coordination for our science policy, but it doesn't always have the muscle to make its desires stick with executive agencies.

Congress has creative leadership in both parties on science policy questions, but we suffer from a disorganized process for passing authorization and appropriation bills that leads to suboptimal outcomes. I think that we need to tackle all of these elements of decision-making as we move towards a more rational analysis of the major problems facing society—affordable health, broadly based economic opportunity, sustainable environmental policies and social discontent—and of the science needed to address those problems.

Science policy must try to accommodate a complex system that has been and will continue to change with increasing regularity. For this reason we need a policy document that reflects our understanding of the process of creativity and innovation, articulates the public's interest in supporting science, and points towards decision-making tools for better investment choices. Only then can we set forth goals that: (1) Are broad and sustainable, (2) form an overall picture of what we want our future on this planet to be, and (3) are based ultimately on societal needs and our desire to improve the human condition.

Over the course of my career I have issued challenges to legislators, agencies, and the science community to set goals, define priorities, think in a global context, move beyond the limits imposed by discrete disciplines, and to find ways science, engineering, and technology can help society advance. The National Science Policy report written under the direction of Congressman EHLERS is clearly an attempt to move the science, engineering, and technology fields forward, but ultimately it fails to adequately address the pressing issues that face the scientific enterprise and society in coming years. Therefore, I cannot agree that a Science Policy Report that fails to tackle these challenges is ''a framework for future deliberations on congressional science policy and funding'' as H. Res. 578 states.

I offer any help I can to Mr. EHLERS in continuing this dialogue, but I will withhold my support for the resolution before us today.

20 RECENT SCIENCE POLICY REPORTS

1991—U.S. Congress, Office of Technology Assessment, ''Federally Funded Research: Decisions for a Decade.''

1992—U.S. Congress, House, Committee on Science, Space and Technology, ''Report of the Task Force on Health of Research: Chairman's Report.''

1992—Carnegie Commission on Science, Technology, and Government, ''Enabling the Future: Linking Science and Technology to Societal Goals.''

1992—Federal Coordinating Council for Science, Engineering, and Technology, ''In the National Interest: The Federal Government and Research-Intensive Universities.''

1992—Competitiveness Policy Council, ''First Annual Report To the President and Congress—Building a Competitive America.''

1992—President's Council of Advisors on Science and Technology, ''Renewing the Promise: Research-Intensive Universities and the Nation.''

1993—National Academy of Sciences, Committee on Science, Engineering, and Public Policy, ''Science, Technology, and the Federal Government: National Goals for a New Era.''

1993—Carnegie Commission on Science, Technology, and Government, ''Science, Technology and Government for a Changing World.''

1994—Executive Office of the President, President Clinton/VP Gore, Office of Science and Technology Policy, ''Science in the National Interest.''

1995—National Academy of Sciences, Committee on Science, Engineering, and Public Policy, ''Reshaping the Graduate Education of Scientists and Engineers.''

1995—Executive Office of the President, The Council of Economic Advisors, ''Supporting Research and Development to Promote Economic Growth: The Federal Government Role.''

1995—National Academy of Sciences, National Research Council, ''Allocating Federal Funds for Science and Technology.''

1996—National Science Foundation, ''National Patterns of R&D Resources.''

1996—Council on Competitiveness, ''Endless Frontier, Limited Resource: U.S. R&D Policy for Competitiveness.''

1996—Executive Office of the President, President Clinton/VP Gore, Office of Science and Technology Policy, ''Technology in the National Interest.''

1996—Office of the Vice President for Research, University of Michigan, ''The Future of the Government/University Partnership.''

1996—U.S. Department of Commerce, ''Effective Partnering: A Report to Congress on Federal Technology Partnerships.''

1997—Executive Office of the President, Office of Science and Technology Policy, ''Science and Technology Shaping the Twenty-first Century.''

1997—Lewis Branscomb et al., Harvard University, Center for Science and International Affairs, ''Investing in Innovation, Toward a Consensus Strategy for Federal Technology Policy.''

1997—National Science Board, ''Government Funding of Scientific Research.''

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I appreciate the words and insight of the gentleman from California (Mr. BROWN). I think that we are quite proud of the fact, not only was this report completed on time and on budget, which we like to do in the Committee on Science, but also this is one of the first congressional initiatives on any major topic looking into the future that is our own product rather than a reaction from something that has come from the Executive Branch or private industry or the university.

I would like to see the Congress continue in this type of creative venture where we look at how we can better the type of quality of life that we will be bequeathing to our children and grandchildren.

Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Speaker, I rise this evening in support of H.Res. 578, a resolution expressing the sense of the House that the Committee on Science's report entitled ''Unlocking Our Future: Toward a New National Science Policy'' should serve as a framework for maintaining and strengthening our U.S. science policy for the 21st Century.

I, first of all, want to acknowledge the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. EHLERS), the vice chairman, for their leadership and commitment toward a renewed focus on U.S. science policy and for their effort to produce the report that is before us this evening.

As my colleagues know, the Committee on Science has held many, many hearings over the last year covering all aspects of science policy. I applaud their work, support the recommendations set forth in the committee's report.

I do want to say that the gentleman from Michigan (Mr. EHLERS) had many, many hearings in crafting together this science policy, and the gentleman from California (Mr. BROWN), the ranking member of the full committee, was also there at many of those meetings. The gentleman from Wisconsin (Mr. SENSENBRENNER), as a leader, has done an extraordinary job.

The science policy study, in part, focuses on the need to revitalize our Nation's educational system to ensure that students at every level, from K through 12 through university, have the skills necessary to excel in all areas of math and science.

The study also advocates promoting more flexibility in graduate level science and engineering programs to encourage more student participation. But most importantly, the study stresses the need to do more to address the underrepresentation of women and minorities in science and engineering fields.

To that end, the study indicates the passage of H.R. 3007, the Commission on the Advancement of Women in Science, Engineering and Technology Development, is an important step in achieving that goal.

H.R. 3007, which I introduced last fall, establishes a commission to identify and address the problems associated with the recruitment, retention, and advancement of women and minorities in science, engineering, and technology development.

The commission will be comprised of representatives from both private businesses and academia and will provide Congress with a list of policy recommendations that will help break down the barriers that women and minorities face in trying to become scientists and engineers.

As my colleagues know, the House of Representatives passed H.R. 3007 under suspension of the rules on September 13. I am pleased to report that the Senate approved the legislation last week and that H.R. 3007 is now awaiting the President's signature.

I see also the gentleman from Pennsylvania (Mr. GOODLING) is here in the chamber. It was jointly referred also to his committee, and I am pleased that that committee also gave its seal of approval. So we are already on our way of addressing some of the critical issues raised in the science policy study.

Again, Mr. Speaker, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Vice Chairman EHLERS) for their hard work. I support the recommendations in the report unlocking our future toward a new national science policy. I look forward to working with my colleagues on both sides of the aisle next Congress to further promote a strong U.S. science policy.

□ 2045

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the idea of a science policy statement is a very valuable idea. As a member of the House Committee on Science, I have wanted for a long time that we bring focus around the issues we work with. However, I think it is important to note that we have a long way to go, and what we might be able to add to this process is an understanding of greater creativity and innovation in science and expanding the public's desire to participate in science, as well as to understand the science investments that this country makes. We also need better decision-making tools that will engage our scientists around the Nation so that we can make the right choices of investment.

Then, although we speak about education in this policy statement, I think it is extremely important that we reflect more on the K through 12. One of our most important challenges is to encourage our young people to be interested in the sciences, to desire to participate in the sciences, and by that we must professionally develop our teachers, and we must work on the K through 12 development.

So I would hope that as we conclude this study, that we will look to do more and make it better to expand the interests of science throughout the Nation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

Let me close my remarks by expressing my appreciation and respect for both the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. EHLERS) for both accepting this responsibility and for producing this report. I am pleased to have the gentleman from Michigan (Mr. EHLERS) acknowledge that this report is a commencement. I believe sincerely that he is willing and open to having more input as related to the areas I have identified.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 578.

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

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 565) expressing the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer.

The Clerk read as follows:

H.R. 565

Whereas 1 in 8 women will develop breast cancer in her lifetime;

Whereas nearly 180,000 American women will be diagnosed with breast cancer this year, and nearly 44,000 women will die of the disease;

Whereas breast cancer is the leading cause of cancer death of women between the ages of 40 and 55;

Whereas it is universally recognized that regular mammograms are the best way to detect breast cancer at its earliest, most treatable stages, and that mammograms can detect small breast cancers up to 2 years earlier than they can be detected through self-examination;

Whereas early detection, including regular mammography screening with prompt treatment, could result in one-third fewer breast cancer deaths among women over age 50;

Whereas the American Cancer Society and the National Cancer Institute recognize that regular mammograms are beneficial to women in their forties and recommend that women begin mammography screening by age 40;

Whereas the Centers for Disease Control and Prevention determined in 1995 that nearly half of American women age 50 and older, and more than one-third of American women age 40 to 49, had not received a mammogram in the previous year;

Whereas annual mammograms are essential in early detection of breast cancer, and biopsies are the only way to diagnose or rule out breast cancer with certainty;

Whereas it is vital that women have information about breast biopsy and the biopsy options that are available to them;

Whereas cutting-edge technology in women's health is creating more options for women; and

Whereas greater awareness of the importance of mammograms leads to more mammograms and biopsies: Now, therefore, be it

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

(1) all American women should take an active role in the fight against breast cancer by all the means that are available to them, including self-examination, physician examination, and regular mammograms;

(2) the role played by community organizations and health care providers in promoting awareness of the importance of regular mammograms and of biopsy options and in helping to expand the availability of low-cost mammograms and biopsies should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection (through mammography and biopsy) and prompt treatment of breast cancer;

(B) continue to fund research so that the causes of and a cure for breast cancer may be discovered; and

(C) continue to make mammograms and biopsies more widely available to women over 40.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 565, which expresses the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer. I salute the gentleman from New Hampshire (Mr. BASS) and the gentlewoman from Washington (Ms. DUNN) for this commendable resolution.

According to the General Accounting Office's testimony this past May before the Committee on Commerce, Subcommittee on Health and the Environment, breast cancer is the most commonly diagnosed nonskin cancer and the second leading cause of cancer deaths among women. Experts estimate that during the 1990s, as many as 1.8 million women will be diagnosed with breast cancer, and 500,000 will die from it. According to 1997 data, an estimated 44,000 women died from breast cancer, and an estimated 180,200 new cases of the disease were diagnosed.

Mr. Speaker, we must remember that these women are not mere numbers. They are mothers, daughters, friends, and colleagues. Breast cancer has struck the families of my staff. It has even struck my own wife.

The fact that 1 in 9 women will develop breast cancer at some point in their lives is a frightening prospect, but there is hope. Awareness leads to vigilance, which leads to early detection. This resolution before us helps build the awareness needed to survive.

As my own family found out, the probability of survival, as well as the use of breast-conserving therapy and the avoidance of mastectomy increases significantly when the disease is discovered in its early stages. Currently, the most effective technique for early detection of breast cancer is screening mammography, an X-ray procedure that can detect small tumors and breast abnormalities up to 2 years before they can be detected by touch, and over 90 percent of these early-stage cancers can be cured, according to the FDA.

The use of mammography as a tool for detecting early cancer continues to increase. According to the Centers for Disease Control and Prevention, the proportion of women aged 50 and older who had received mammograms in the prior year increased from 26 percent in 1987 to 57 percent in 1995. The proportion of women 40 to 49 who had received mammograms in the past 2 years also increased from 59 percent in 1990 to 66 percent in 1995.

Mr. Speaker, I am very proud that our committee has done more than simply build awareness about this dreaded disease. Just 3 weeks ago on September 15, the House joined unanimously the Committee on Commerce in passing H.R. 4382, the Bliley-Bilirakis Mammography Quality Standards Reauthorization Act of 1998. This bill will assure the safety, accuracy and overall quality in mammography services for the early detection of breast cancer. Women who seek mammograms, however, must be assured that their results will be accurate and not misleading.

Bliley-Bilirakis provides for direct patient notification of all mammography examinations in writing, and in easily understood terms so that women are fully aware of their results. As the August 4 joint letter of endorsement from the American Cancer Society, the National Alliance of Breast Cancer Organizations and the Susan Komen Breast Cancer Foundation states, ''Studies have shown that women believe their mammography results are normal if they are not contacted after their examination. An increasing number of mammography facilities have begun to report both normal and abnormal findings directly to the women as well as her referring physician, without disrupting the relationships with her referring provider.''

The other body passed Bliley-Bilirakis without amendment. It has languished on the President's desk for a full week now. It merits his signature.

Mr. Speaker, the month of October is breast cancer awareness month. Today is a fitting day for the House of Representatives to add its voice to the voice of many other dedicated citizens in this country to express the importance of early mammographies and biopsies.

Mr. Speaker, I urge passage of this resolution, and I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 565. As we all know, breast cancer is one of the leading causes of death among women in this country. By combining early detection of breast cancer with prompt treatment, we can reduce the number of deaths by as much as one-third.

Although these facts are known, only half of all women over the age of 50 and

one-third of women over the age of 40 have had a mammogram in the past year. We should actively push the benefits of mammography and increase its availability. I applaud the organizations that have already been active in promoting breast cancer awareness and the benefits of early detection.

Mr. Speaker, a short time ago, as the gentleman from Virginia (Mr. BLILEY) mentioned, this Congress passed the Mammography Quality Standards Reauthorization Act of 1998. This bill assured the continuation of a program for ensuring mammography quality and making sure that all women are notified of those test results. H. Res. 565 complements this legislation by recognizing the need for greater awareness among women of the need to have regular mammograms.

While I am pleased to support H. Res. 565, Mr. Speaker, I would be remiss if I did not remark for the need of more substantive legislation in this area. The Patients' Bill of Rights would have improved women's access to, and quality of, health care. I lament the fact that this Congress will fail to pass meaningful managed care reforms to stop HMO abuses.

Other legislation upon which I fear this Congress may fail to act this year would expand Medicaid coverage for breast and cervical cancer treatment. Reauthorization of the National Institutes of Health and the Centers for Disease Control programs affecting women also unfortunately have languished in this Congress.

In sum, however, Mr. Speaker, I urge my colleagues to support H. Res. 565. I also urge my colleagues to begin work on all the remaining facets of women's health care as soon as possible next year, and I thank the gentleman from Virginia (Mr. BLILEY) for his good work.

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

Mr. BLILEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), an original cosponsor of this legislation.

Ms. DUNN. Mr. Speaker, I thank our chairman, the gentleman from Virginia (Mr. BLILEY), and I thank the gentleman from New Hampshire (Mr. BASS) for his great work on a resolution that we believe will help save the lives of women all over this country. I want to thank particularly, though, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) for enabling this resolution to come very quickly to the floor.

Mr. Speaker, I rise today in support of the Bass resolution because of the impact it will have on the quality of life of America's women. Since October is National Breast Cancer Awareness Month, it is imperative that we seize this opportunity to encourage women to take an active role in combating a disease that takes the lives of thousands of women every single year.

While we have seen tremendous progress in the early detection, diagnosis and treatment of breast cancer, there is still a great deal more work to be done. This year, approximately 180,000 new cases of breast cancer will be diagnosed, and almost 44,000 women will die from this disease.

□ 2100

That is why it is vital now, more than ever, for us to continue educating women about mammograms and about biopsies. By emphasizing the importance of mammograms and biopsies, the Bass resolution builds on the continuing efforts of those who work so very hard to promote the importance of early detection and early diagnosis in the fight against this devastating disease.

Mr. Speaker, one of my dear friends was diagnosed with breast cancer over a decade ago. She is living a healthy, productive life today because she conquered her illness, but her cancer was not detected early. Back then, only 10 years ago, women had mammograms less frequently, and she discovered the lump in her breast after it had been developing for almost 2 years.

She is a breast cancer survivor because of her own mental strength and her determination and the quality care that she received from her doctors. She was very fortunate, and for that I am thankful. But Mr. Speaker, other women may not be so fortunate.

Early detection and diagnosis through mammography and biopsy remain our best weapons against breast cancer. The Bass resolution stresses the value of regular self-examinations and mammograms in detecting breast abnormalities, and the necessity of breast biopsies in diagnosing if the abnormality is cancerous or noncancerous.

Through our efforts to raise awareness about mammograms and the other biopsy options that are available, women will have the tools to make well-informed decisions when it comes to breast care.

Congress continues to improve the quality of life for American women. As a result of the good work of the gentleman from Virginia (Chairman BLILEY), we are now able to ensure that women have access to the highest quality medical equipment to detect breast cancer at the earliest possible moment, and women now will be able to receive their mammogram results in a clear and comprehensible form.

Congress is also continuing to invest in research that saves lives. We are working to double the funding for the National Institutes of Health over the next 8 years, because their research has produced major advances in the treatment of cancer and disease that affect the lives of women in America.

The Bass resolution complements these efforts to ensure that mothers, daughters, sisters, and wives will not be limited by breast cancer, but will be free to pursue their hopes and dreams, living healthy and productive lives. I ask my colleagues to support this vitally important resolution.

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

Mr. BLILEY. Mr. Speaker, I yield 4 minutes to the gentleman from New Hampshire (Mr. BASS), the original sponsor of this bill.

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

Mr. BASS. Mr. Speaker, I rise in strong support of the breast cancer awareness resolution, which is quite similar to one I introduced last year. I do want to thank the gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) for their crucial help in bringing this resolution to the floor this evening.

I also want to thank the gentlewoman from Washington (Ms. DUNN), whose partnership on this resolution has been absolutely invaluable.

Mr. Speaker, we should all know by now that October is National Breast Cancer Awareness Month, and October 16 is National Mammography Day. It is, therefore, fitting that the House should come together today to pass the resolution that is before us now.

This breast cancer awareness resolution encourages women to take a proactive role in fighting breast cancer through steps like seeking regular mammograms, and following up on those mammograms with biopsies, if necessary. It recognizes and applauds the important role played by community organizations and health care providers in promoting awareness of these services and affordable access to them.

Finally, it acknowledges the responsibility of the Federal Government to be an active participant in efforts to fight breast cancer, from working to promote awareness and access to services to continuing its support for vital medical research.

In recent years, there has been important progress on all of these fronts. On a local level, events like Race for the Cure and Making Strides Against Breast Cancer walkathons that have occurred all over the country, which I participated in last week, have helped raise awareness of the dangers of this disease and support for finally finding a cure.

Congress has also made important contributions, including Medicare coverage for mammograms last year, and, as was mentioned by our chairman, the reauthorization of the Mammography Quality Standards Act.

Yet, despite progress in encouraging early detection and treatment and funding medical research, much more remains to be done. This year alone, nearly 180,000 women will be diagnosed with breast cancer in this country, and 44,000 will die from this terrible disease.

Twenty-seven years ago, when I was 19 years old, or 28 years ago, my mother was diagnosed with breast cancer, and she died at the age of 51. There were no strides for cancer awareness,

there were no support groups. Indeed, there was very little understanding of what she faced. Unfortunately, I think she faced this disease with fright, with pain, and sometimes with great loneliness.

What we have done in those 26 years is really quite extraordinary, but there is a lot more work ahead of us. I want to see a world for my wife and my daughter, Lucy, that will be better than it was for my mother.

I thank the chairman of the committee from the bottom of my heart for making this resolution in order tonight, and bringing the importance of breast cancer awareness to the public forefront.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Speaker, I want to congratulate the gentleman, and salute him for bringing this resolution to the floor. I thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) for the work that they have done, and the gentleman from New Hampshire (Mr. BASS), who is the originator, who introduced this legislation this year as well as last year.

It is true, this is Breast Cancer Awareness Month, October. If we look back we can see that we have made great strides, but we still have that figure of 180,000 women who will be diagnosed with breast cancer each year, and 44,000 who will die of breast cancer.

I have been involved every year with the Race for the Cure, and I must say, to reflect on progress, I look around when we have the 50,000 people who are out there, men as well as women, ready to march for research and education and prevention of breast cancer, and I see those pink hats. Pink hats means they are survivors, and there are more and more survivors. Why? Because of mammograms, because of biopsies, because of education, because of awareness. I think this Congress has been really moving ahead in this particular area.

For instance, I am proud that the National Institutes of Health now has an Office of Research on Women's Health, and we are putting more and more money into breast cancer research and education and prevention.

I am also very proud of our Department of Defense. Many times we do not realize that the Department of Defense appropriation has money in for peer-reviewed breast cancer research, and they have done some wonderful things, because they have great clinical trials where they can come up with some great revelations and great advances on it.

Then, just the other day, as has been mentioned, the Mammography Standards Act not only reauthorizes that for the highest quality of mammograms, but also has the notification facet of it, something that is greatly needed. Again, the gentleman from Virginia (Mr. BLILEY) was a great leader in that particular regard.

I just also want to point out the partnerships that have been occurring, not only with the Department of Defense and NIH, the private sector, NASA, working together to heighten the accuracy of our mammograms, to also have mobile units which they bring in to rural areas and areas of people who have low income, so they can have the finest digital imaging technology available for them.

So we can do a great deal through education, through further research, through making people aware of the advances that are being made, and the continued commitment of this Congress.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), my final speaker.

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

I rise in support of House Resolution 565, expressing the critical need for mammograms and biopsies in the fight against breast cancer. I commend the bill's sponsor, the gentleman from New Hampshire (Mr. BASS) for bringing this important bill to the House floor.

Breast cancer, by any definition, is an epidemic in our country. It is reported that every 3 minutes a woman is diagnosed with this disease, and every 11 minutes a woman dies from it. As has been said, more than 44,000 women die from breast cancer. These women are our mothers, spouses, siblings, children, and our friends, the people we love the most.

The numbers are especially alarming in my own State of New Jersey, which has the second highest breast cancer mortality rate of any State in the Nation. The American Cancer Society estimates 6,400 new cases of breast cancer in New Jersey in 1997, and an estimated 1,800 deaths. I have found, and certainly the people who work on behalf of the American Cancer Society, that more than ever, many of these victims are young women.

While we have made some strides in raising awareness about the need for early detection and some strides in research, we still do not have a cure, nor do we know what causes this devastating disease. That is why more emphasis needs to be placed on the importance of mammograms to assist in the fight against this disease.

As a cosponsor of this legislation, I am pleased that the gentleman from New Hampshire (Mr. BASS) and the gentlewoman from Washington (Ms. DUNN) have done so much to bring this resolution to the floor. I commend their efforts. It is something which all Members should support.

STATEMENT OF CONGRESSMAN JON D. FOX IN SUPPORT OF H. RES. 565—EXPRESSING THE SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF MAMMOGRAMS AND BIOPSIES IN THE FIGHT AGAINST BREAST CANCER

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today in strong support of H. Res. 565 which stresses the importance of mammograms and biopsies in the fight against breast cancer.

More women in the United States are diagnosed with breast cancer every year than any other cancer except skin cancer. This year, about 180,000 cases will be diagnosed and about 44,000 women will die of this disease. Many of these lives could have been saved by early diagnosis.

The earlier breast cancer is detected, the easier it is to treat. Every woman is at risk for breast cancer, and the risks increase with age. That means women under 40 should have a mammogram every three years and women over 40 every year. Routine screening mammography is the single most effective method to detect breast changes that may be cancer, long before physical symptoms can be seen or felt. That is why this legislation is so important.

We need to give women a chance. We need them to have access to the vital tools to detect this deadly disease early. We need these women to survive and win their fights by early detection.

I strongly support this Resolution. And I thank the Gentleman for offering this Resolution which stresses the importance of diagnosing and treating this disease in the early stages. We can win this fight.

Thank you and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and agree to the resolution, House Resolution 565.

The question was taken.

Mr. BASS. 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.

FURTHER MESSAGE FROM THE SENATE

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

S. 442. An act to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commece via the Internet, and for other purposes.

S. 2584. An act to provide aviator continuation pay for military members killed in Operation Desert Shield.

ESTABLISHING THE LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2232) to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2232

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the 1954 U.S. Supreme Court decision of Brown v. Board of Education, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States.

(2) the admission of nine African-American students, known as the ''Little Rock Nine'', to Little Rock's Central High School as a result of the Brown decision, was the most prominent national example of the implementation of the Brown decision, and served as a catalyst for the integration of other, previously segregated public schools in the United States;

(3) 1997 marked the 70th anniversary of the construction of Central High School, which has been named by the American Institute of Architects as ''the most beautiful high school building in America'';

(4) Central High School was included on the National Register of Historic Places in 1977 and designated by the Secretary of the Interior as a National Historic Landmark in 1982 in recognition of its national significance in the development of the Civil Rights movement in the United States; and

(5) the designation of Little Rock Central High School as a unit of the National Park System will recognize the significant role the school played in the desegregation of public schools in the South and will interpret for future generations the events associated with early desegregation of southern schools;

(b) PURPOSE.—The purpose of this Act is to preserve, protect, and interpret for the benefit, education, and inspiration of present and future generations, Central High School in Little Rock, Arkansas, and its role in the integration of public schools and the development of the Civil Rights movement in the United States.

SEC. 2. ESTABLISHMENT OF CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—The Little Rock Central High School National Historic Site in the State of Arkansas (hereinafter referred to as the ''historic site'') is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the Central High School campus and adjacent properties in Little Rock, Arkansas, as generally depicted on a map entitled ''Proposed Little Rock Central High School National Historic Site'', numbered LIRO–20,000 and dated July, 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall administer the historic site in accordance with this Act. Only those lands under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461–467). Nothing in this Act shall affect the authority of the Little Rock School District to administer Little Rock Central High School nor shall this Act affect the authorities of the City of Little Rock in the neighborhood surrounding the school.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with appropriate public and private agencies, organizations, and institutions (including, but not limited to, the State of Arkansas, the City of Little Rock, the Little Rock School District, Central High Museum, Inc., Central High Neighborhood, Inc., or the University of Arkansas) in furtherance of the purposes of this Act.

(2) The Secretary shall coordinate visitor interpretation of the historic site with the Little Rock School District and the Central High School Museum, Inc.

(d) GENERAL MANAGEMENT PLAN.—Within three years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site. The plan shall be prepared in consultation and coordination with the Little Rock School District, the City of Little Rock, Central High Museum, Inc., and with other appropriate organizations and agencies. The plan shall identify specific roles and responsibilities for the National Park Service in administering the historic site, and shall identify lands or property, if any, that might be necessary for the National Park Service to acquire in order to carry out its responsibilities. The plan shall also identify the roles and responsibilities of other entities in administering the historic site and its programs. The plan shall include a management framework that ensures the administration of the historic site does not interfere with the continuing use of Central High School as an educational institution.

(e) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire by purchase with donated or appropriated funds by exchange, or donation the lands and interested therein located within the boundaries of the historic site: *Provided,* That the Secretary may only acquire lands or interests therein within the consent of the owner thereof: *Provided further,* That lands or interests therein owned by the State of Arkansas or a political subdivision thereof, may only be acquired by donation or exchange.

SEC. 3. DESEGREGATION IN PUBLIC EDUCATION THEME STUDY.

(a) THEME STUDY.—Within two years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a National Historic Landmark Theme Study (hereinafter referred to as the ''theme study'') on the history of desegregation in public education. The purpose of the theme study shall be to identify sites, districts, buildings, structures, and landscapes that best illustrate or commemorate key events or decisions in the historical movement to provide for racial desegregation in public education. On the basis of the theme study, the Secretary shall identify possible new national historic landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for national historic landmark designation.

(b) OPPORTUNITIES FOR EDUCATION AND RESEARCH.—The theme study shall identify appropriate means to establish linkages between sites identified in subsection (a) and between those sites and the Central High School National Historic Site established in section 2, and with other existing units of the National Park System to maximize opportunities for public education and scholarly research on desegregation in public education. The theme study also shall recommend opportunities for cooperative arrangements with State and local governments, educational institutions, local historical organizations, and other appropriate entities to preserve and interpret key sites in the history of desegregation in public education.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with one or more educational institutions, public history organizations, or civil rights organizations knowledgeable about desegregation in public education to prepare the theme study and to ensure that the theme study meets scholarly standards.

(d) THEME STUDY COORDINATION WITH GENERAL MANAGEMENT PLAN.—The theme study shall be prepared as part of the preparation and development of the general management plan for the Little Rock Central High School National Historic Site established in section 2.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

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

Mr. HANSEN. Mr. Speaker, S. 2232 was introduced by Senator DALE BUMPERS from the State of Arkansas who worked hard and has done a very commendable job on a bill which recognizes a very important time in our history.

S. 2232 establishes Little Rock Central High School as a National Historic Site and unit of the National Park System. Little Rock Central High School played a prominent role in the struggle for civil rights and served as an example and as a catalyst for the integration of public schools across the country. In so doing, the Federal Government would help to preserve, protect, and interpret the role this high school played in the integration of public schools and the evolution of the civil rights movement in the United States.

I strongly urge my colleagues to support S. 2232 and send it to the President.

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.

DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998

Mr. HANSEN. Mr. Speaker. I ask unanimous consent to take from the Speaker's table the Senate bill (S. 890) to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 890

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 ''Dutch John Federal Property Disposition and Assistance Act of 1998''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) Dutch John, Utah, was founded by the Secretary of the Interior in 1958 on Bureau of Reclamation land as a community to house personnel, administrative offices, and equipment for project construction and operation of the Flaming Gorge Dam and Reservoir as authorized by the Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.); and

(B) permanent structures (including houses, administrative offices, equipment storage and maintenance buildings, and other public buildings and facilities) were constructed and continue to be owned and maintained by the Secretary of the Interior;

(2)(A) Bureau of Reclamation land surrounding the Flaming Gorge Reservoir (including the Dutch John community) was included within the boundaries of the Flaming Gorge National Recreation Area in 1968 under Public Law 90–540 (16 U.S.C. 460v et seq.);

(B) Public Law 90–540 assigned responsibility for administration, protection, and development of the Flaming Gorge National Recreation Area to the Secretary of Agriculture and provided that lands and waters needed or used for the Colorado River Storage Project would continue to be administered by the Secretary of the Interior; and

(C) most structures within the Dutch John community (including the schools and public buildings within the community) occupy lands administered by the Secretary of Agriculture;

(3)(A) the Secretary of Agriculture and the Secretary of the Interior are unnecessarily burdened with the cost of continuing to provide basic services and facilities and building maintenance and with the administrative costs of operating the Dutch John community; and

(B) certain structures and lands are no longer essential to management of the Colorado River Storage Project or to management of the Flaming Gorge National Recreation Area;

(4)(A) residents of the community are interested in purchasing the homes they currently rent from the Secretary of the Interior and the land on which the homes are located;

(B) Daggett County, Utah, is interested in reducing the financial burden the County experiences in providing local government support services to a community that produces little direct tax revenue because of Federal ownership; and

(C) a withdrawal of the role of the Federal Government in providing basic direct community services to Dutch John would require local government to provide the services at a substantial cost;

(5)(A) residents of the Dutch John community are interested in self-government of the community; and

(B) with growing demands for additional commercial recreation services for visitors to the Flaming Gorge National Recreation Area and Ashley National Forest, there are opportunities for private economic development, but few private lands are available for the services; and

(6) the privatization and disposal to local government of certain lands in and surrounding Dutch John would be in the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to privatize certain lands in and surrounding Dutch John, Utah;

(2) to transfer jurisdiction of certain Federal property between the Secretary of Agriculture and the Secretary of the Interior;

(3) to improve the Flaming Gorge National Recreation Area;

(4) to dispose of certain residential units, public buildings, and facilities;

(5) to provide interim financial assistance to local government to defray the cost of providing basic governmental services;

(6) to achieve efficiencies in operation of the Flaming Gorge Dam and Reservoir and the Flaming Gorge National Recreation Area;

(7) to reduce long-term Federal outlays; and

(8) to serve the interests of the residents of Dutch John and Daggett County, Utah, and the general public.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY OF AGRICULTURE.—The term ''Secretary of Agriculture'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. DISPOSITION OF CERTAIN LANDS AND PROPERTIES.

(a) IN GENERAL.—Lands, structures, and community infrastructure facilities within or associated with Dutch John, Utah, that have been identified by the Secretary of Agriculture or the Secretary of the Interior as unnecessary for support of the agency of the respective Secretary shall be transferred or disposed of in accordance with this Act.

(b) LAND DESCRIPTION.—Except as provided in subsection (e), the Secretary of Agriculture and the Secretary of the Interior shall dispose of (in accordance with this Act) approximately 2,450 acres within or associated with the Dutch John, Utah, community in the NW¼ NW¼, S½ NW¼, and S½ of Section 1, the S½ of Section 2, 10 acres more or less within the NE¼ SW¼ of Section 3, Sections 11 and 12, the N½ of Section 13, and the E½ NE¼ of Section 14 of Township 2 North, Range 22 East, Salt Lake Base and Meridian, that have been determined to be available for transfer by the Secretary of Agriculture and the Secretary of the Interior, respectively.

(c) INFRASTRUCTURE FACILITIES AND LAND.—Except as provided in subsection (e), the Secretary of the Interior shall dispose of (in accordance with this Act) community infrastructure facilities and land that have been determined to be available for transfer by the Secretary of the Interior, including the following:

(1) The fire station, sewer systems, sewage lagoons, water systems (except as provided in subsection (e)(3)), old post office, electrical and natural gas distribution systems, hospital building, streets, street lighting, alleys, sidewalks, parks, and community buildings located within or serving Dutch John, including fixtures, equipment, land, easements, rights-of-way, or other property primarily used for the operation, maintenance, replacement, or repair of a facility referred to in this paragraph.

(2) The Dutch John Airport, comprising approximately 25 acres, including runways, roads, rights-of-way, and appurtenances to the Airport, subject to such monitoring and remedial action by the United States as is necessary.

(3) The lands on which are located the Dutch John public schools, which comprise approximately 10 acres.

(d) OTHER PROPERTIES AND FACILITIES.—The Secretary of Agriculture and the Secretary of the Interior shall dispose of (in accordance with this Act) the other properties and facilities that have been determined to be available for transfer or disposal by the Secretary of Agriculture and the Secretary of the Interior, respectively, including the following:

(1) Certain residential units occupied on the date of enactment of this Act, as determined by the Secretary of the Interior.

(2) Certain residential units unoccupied on the date of enactment of this Act, as determined by the Secretary of the Interior.

(3) Lots within the Dutch John community that are occupied on the date of enactment of this Act by privately owned modular homes under lease agreements with the Secretary of the Interior.

(4) Unoccupied platted lots within the Dutch John community.

(5) The land, comprising approximately 3.8 acres, on which is located the Church of Jesus Christ of Latter Day Saints, within Block 9, of the Dutch John community.

(6) The lands for which special use permits, easements, or rights-of-way for commercial uses have been issued by the Forest Service.

(7) The lands on which are located the offices, 3 employee residences, warehouses, and facilities of the Utah Division of Wildlife Resources, as described in the survey required under section 7, including yards and land defined by fences in existence on the date of enactment of this Act.

(8) The Dutch John landfill site, subject to such monitoring and remedial action by the United States as is necessary, with responsibility for monitoring and remediation being shared by the Secretary of Agriculture and the Secretary of the Interior proportionate to their historical use of the site.

(9) Such fixtures and furnishing in existence and in place on the date of enactment of this Act as are mutually determined by Daggett County, the Secretary of Agriculture, and the Secretary of the Interior to be necessary for the full use of properties or facilities disposed of under this Act.

(10) Such other properties or facilities at Dutch John that the Secretary of Agriculture or the Secretary of the Interior determines are not necessary to achieve the mission of the respective Secretary and the disposal of which would be consistent with this Act.

(e) RETAINED PROPERTIES.—Except to the extent the following properties are determined by the Secretary of Agriculture or the Secretary of the Interior to be available for disposal, the Secretary of Agriculture and the Secretary of the Interior shall retain for their respective use the following:

(1) All buildings and improvements located within the industrial complex of the Bureau of Reclamation, including the maintenance shop, 40 industrial garages, 2 warehouses, the equipment storage building, the flammable equipment storage building, the hazardous waste storage facility, and the property on which the buildings and improvements are located.

(2) 17 residences under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, of which—

(A) 15 residences shall remain under the jurisdiction of the Secretary of the Interior; and

(B) 2 residences shall remain under the jurisdiction of the Secretary of Agriculture.

(3) The Dutch John water system raw water supply line and return line between the power plant and the water treatment plant, pumps and pumping equipment, and any appurtenances and rights-of-way to the line and other facilities, with the retained facilities to be operated and maintained by the United States with pumping costs and operation and maintenance costs of the pumps to be included as a cost to Daggett County in a water service contract.

(4) The heliport and associated real estate, consisting of approximately 20 acres, which shall remain under the jurisdiction of the Secretary of Agriculture.

(5) The Forest Service warehouse complex and associated real estate, consisting of approximately 2 acres, which shall remain under the jurisdiction of the Secretary of Agriculture.

(6) The Forest Service office complex and associated real estate, which shall remain under the jurisdiction of the Secretary of Agriculture.

(7) The United States Post Office, pursuant to Forest Service Special Use Permit No. 1073, which shall be transferred to the jurisdiction of the United States Postal Service pursuant to section 6(d).

SEC. 5. REVOCATION OF WITHDRAWALS.

In the case of lands and properties transferred under section 4, effective on the date of transfer to the Secretary of the Interior (if applicable) or conveyance by quitclaim deed out of Federal ownership, authorization for each of the following withdrawals is revoked:

(1) The Public Water Reserve No. 16, Utah No. 7, dated March 9, 1914.

(2) The Secretary of the Interior Order dated October 20, 1952.

(3) The Secretary of the Interior Order dated July 2, 1956, No. 71676.

(4) The Flaming Gorge National Recreation Area, dated October 1, 1968, established under Public Law 90–540 (16 U.S.C. 460v et seq.), as to lands described in section 4(b).

(5) The Dutch John Administrative Site, dated December 12, 1951 (PLO 769, U–0611).

SEC. 6. TRANSFER OF JURISDICTION.

(a) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—Except for properties retained under section 4(e), all lands designated under section 4 for disposal shall be—

(1) transferred from the jurisdiction of the Secretary of Agriculture to the Secretary of the Interior and, if appropriate, the United States Postal Service; and

(2) removed from inclusion in the Ashley National Forest and the Flaming Gorge National Recreation Area.

(b) TRANSFERS FROM THE SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over certain lands and interests in land described in paragraph (2), containing approximately 2,167 acres located in Duchesne and Wasatch Counties, Utah, acquired by the Secretary of the Interior for the Central Utah Project.

(2) LAND DESCRIPTION.—The lands referred to in paragraph (1) are lands indicated on the maps generally depicting—

(A) the Dutch John transfer of the Ashley National Forest to the State of Utah, dated February 1997;

(B) the Dutch John transfer of the Uinta National Forest to the State of Utah, dated February 1997;

(C) lands to be transferred to the Forest Service: Lower Stillwater Properties;

(D) lands to be transferred to the Forest Service: Red Hollow (Diamond Properties); and

(E) lands to be transferred to the Forest Service: Coal Mine Hollow (Current Creek Reservoir).

(3) STATUS OF LANDS.—

(A) NATIONAL FORESTS.—The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1) shall become part of the Ashley or Uinta National Forest, as appropriate. The Secretary of Agriculture shall adjust the boundaries of each of the National Forests to reflect the additional lands.

(B) MANAGEMENT.—The transferred lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (36 Stat. 962, chapter 186; 16 U.S.C. 515 et seq.) and other laws (including rules and regulations) applicable to the National Forest System.

(C) WILDLIFE MITIGATION.—As of the date of the transfer under paragraph (1), the wildlife mitigation requirements of section 8 of the Act of April 11, 1956 (43 U.S.C. 620g), shall be deemed to be met.

(D) ADJUSTMENT OF BOUNDARIES.—This paragraph does not limit the authority of the Secretary of Agriculture to adjust the boundaries of the Ashley or Uinta National Forest pursuant to section 11 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (36 Stat. 963, chapter 186; 16 U.S.C. 521).

(4) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundaries of the Ashley and Uinta National Forests, as adjusted under this section, shall be considered to be the boundaries of the Forests as of January 1, 1965.

(c) FEDERAL IMPROVEMENTS.—The Secretary of the Interior shall transfer to the Secretary of Agriculture jurisdiction over Federal improvements to the lands transferred under this section.

(d) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the United States Postal Service administrative jurisdiction over certain lands and interests in land subject to Forest Service Special Use Permit No. 1073, containing approximately 0.34 acres.

(e) WITHDRAWALS.—Notwithstanding subsection (a), lands retained by the Federal Government under this Act shall continue to be withdrawn from mineral entry under the United States mining laws.

SEC. 7. SURVEYS.

The Secretary of the Interior shall survey or resurvey all or portions of the Dutch John community as necessary—

(1) to accurately describe parcels identified under this Act for transfer among agencies, for Federal disposal, or for retention by the United States; and

(2) to facilitate future recordation of title.

SEC. 8. PLANNING.

(a) RESPONSIBILITY.—In cooperation with the residents of Dutch John, the Secretary of Agriculture, and the Secretary of the Interior, Daggett County, Utah, shall be responsible for developing a land use plan that is consistent with maintenance of the values of the land that is adjacent to land that remains under the jurisdiction of the Secretary of Agriculture or Secretary of the Interior under this Act.

(b) COOPERATION.—The Secretary of Agriculture and the Secretary of the Interior shall cooperate with Daggett County in ensuring that disposal processes are consistent with the land use plan developed under subsection (a) and with this Act.

SEC. 9. APPRAISALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall conduct appraisals to determine the fair market value of properties designated for disposal under paragraphs (1), (2), (3), (5), and (7) of section 4(d).

(2) UNOCCUPIED PLATTED LOTS.—Not later than 90 days after the date of receipt by the Secretary of the Interior from an eligible purchaser of a written notice of intent to purchase an unoccupied platted lot referred to in section 4(d)(4), the Secretary of the Interior shall conduct an appraisal of the lot.

(3) SPECIAL USE PERMITS.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of the Interior from a permit holder of a written notice of intent to purchase a property described in section 10(g), the Secretary of the Interior shall conduct an appraisal of the property.

(B) IMPROVEMENTS AND ALTERNATIVE LAND.—An appraisal to carry out subparagraph (A) may include an appraisal of the value of permit holder improvements and alternative land in order to conduct an in-lieu land sale.

(4) OCCUPIED PARCELS.—In the case of an occupied parcel, an appraisal under this subsection shall include an appraisal of the full fee value of the occupied lot or land parcel and the value of residences, structures, facilities, and existing, in-place federally owned fixtures and furnishings necessary for full use of the property.

(5) UNOCCUPIED PARCELS.—In the case of an unoccupied parcel, an appraisal under this subsection shall consider potential future uses of the parcel that are consistent with the land use plan developed under section 8(a) (including the land use map of the plan) and with subsection (c).

(6) FUNDING.—Funds for appraisals conducted under this section shall be derived from the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (70 Stat. 107, chapter 203; 43 U.S.C. 620d).

(b) REDUCTIONS FOR IMPROVEMENTS.—An appraisal of a residence or a structure or facility leased for private use under this section shall deduct the contributory value of improvements made by the current occupant or lessee if the occupant or lessee provides reasonable evidence of expenditure of money or materials in making the improvements.

(c) CURRENT USE.—An appraisal under this section shall consider the current use of a property (including the use of housing as a community residence) and avoid uncertain speculation as to potential future use.

(d) REVIEW.—

(1) IN GENERAL.—The Secretary of the Interior shall make an appraisal under this section available for review by a current occupant or lessee.

(2) ADDITIONAL INFORMATION OR APPEAL.—

(A) IN GENERAL.—The current occupant or lessee may provide additional information, or appeal the findings of the appraisal in writing, to the Upper Colorado Regional Director of the Bureau of Reclamation.

(B) ACTION BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior—

(i) shall consider the additional information or appeal; and

(ii) may conduct a second appraisal if the Secretary determines that a second appraisal is necessary.

(e) INSPECTION.—The Secretary of the Interior shall provide opportunities for other qualified, interested purchasers to inspect completed appraisals under this section.

SEC. 10. DISPOSAL OF PROPERTIES.

(a) CONVEYANCES.—

(1) PATENTS.—The Secretary of the Interior shall dispose of properties identified for disposal under section 4, other than properties retained under section 4(e), without regard to law governing patents.

(2) CONDITION AND LAND.—Except as otherwise provided in this Act, conveyance of a building, structure, or facility under this Act shall be in its current condition and shall include the land parcel on which the building, structure, or facility is situated.

(3) FIXTURES AND FURNISHINGS.—An existing and in-place fixture or furnishing necessary for the full use of a property or facility under this Act shall be conveyed along with the property.

(4) MAINTENANCE.—

(A) BEFORE CONVEYANCE.—Before property is conveyed under this Act, the Secretary of the Interior shall ensure reasonable and prudent maintenance and proper care of the property.

(B) AFTER CONVEYANCE.—After property is conveyed to a recipient under this Act, the recipient shall be responsible for—

(i) maintenance and proper care of the property; and

(ii) any contamination of the property.

(b) INFRASTRUCTURE FACILITIES AND LAND.—Infrastructure facilities and land described in paragraphs (1) and (2) of section 4(c) shall be conveyed, without consideration, to Daggett County, Utah.

(c) SCHOOL.—The lands on which are located the Dutch John public schools described in section 4(c)(3) shall be conveyed, without consideration, to the Daggett County School District.

(d) UTAH DIVISION OF WILDLIFE RESOURCES.—Lands on which are located the offices, 3 employee residences, warehouses, and facilities of the Utah Division of Wildlife Resources described in section 4(d)(7) shall be conveyed, without consideration, to the Division.

(e) RESIDENCES AND LOTS.—

(1) IN GENERAL.—

(A) FAIR MARKET VALUE.—A residence and occupied residential lot to be disposed of under this Act shall be sold for the appraised fair market value.

(B) NOTICE.—The Secretary of the Interior shall provide local general public notice, and written notice to lessees and to current occupants of residences and of occupied residential lots for disposal, of the intent to sell properties under this Act.

(2) PURCHASE OF RESIDENCES OR LOTS BY LESSEES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Interior shall provide a holder of a current lease from the Secretary for a residence to be sold under paragraph (1) or (2) of section 4(d) or for a residential lot occupied by a privately owned dwelling described in section 4(d)(3) a period of 180 days beginning on the date of the written notice of the Secretary of intent of the Secretary to sell the residence or lot, to execute a contract with the Secretary of the Interior to purchase the residence or lot for the appraised fair market value.

(B) NOTICE OF INTENT TO PURCHASE.—To obtain the protection of subparagraph (A), the lessee shall, during the 30-day period beginning on the date of receipt of the notice referred to in subparagraph (A), notify the Secretary in writing of the intent of the lessee to purchase the residence or lot.

(C) NO NOTICE OR PURCHASE CONTRACT.—If no written notification of intent to purchase is received by the Secretary in accordance with subparagraph (B) or if a purchase contract has not been executed in accordance with subparagraph (A), the residence or lot shall become available for purchase by other persons under paragraph (3).

(3) PURCHASE OF RESIDENCES OR LOTS BY OTHER PERSONS.—

(A) ELIGIBILITY.—If a residence or lot becomes available for purchase under paragraph (2)(C), the Secretary of the Interior shall make the residence or lot available for purchase by—

(i) a current authorized occupant of the residence to be sold;

(ii) a holder of a current reclamation lease for a residence within Dutch John;

(iii) an employee of the Bureau of Reclamation or the Forest Service who resides in Dutch John; or

(iv) a Federal or non-Federal employee in support of a Federal agency who resides in Dutch John.

(B) PRIORITY.—

(i) SENIORITY.—Priority for purchase of properties available for purchase under this paragraph shall be by seniority of reclamation lease or residency in Dutch John.

(ii) PRIORITY LIST.—The Secretary of the Interior shall compile a priority list of eligible potential purchasers that is based on the length of continuous residency in Dutch John or the length of a continuous residence lease issued by the Bureau of Reclamation in Dutch John, with the highest priority provided for purchasers with the longest continuous residency or lease.

(iii) INTERRUPTIONS.—If a continuous residency or lease was interrupted, the Secretary shall consider only that most recent continuous residency or lease.

(iv) OTHER FACTORS.—In preparing the priority list, the Secretary shall not consider a factor (including agency employment or position) other than the length of the current residency or lease.

(v) DISPUTES.—A potential purchaser may file a written appeal over a dispute involving eligibility or ranking on the priority list with the Secretary of the Interior, acting through the Upper Colorado Regional Director of the Bureau of Reclamation. The Secretary, acting through the Regional Director, shall consider the appeal and resolve the dispute.

(C) NOTICE.—The Secretary of the Interior shall provide general public notice and written notice by certified mail to eligible purchasers that specifies—

(i) properties available for purchase under this paragraph;

(ii) the appraised fair market value of the properties;

(iii) instructions for potential eligible purchasers; and

(iv) any purchase contract requirements.

(D) NOTICE OF INTENT TO PURCHASE.—An eligible purchaser under this paragraph shall have a period of 90 days after receipt of written notification to submit to the Secretary of the Interior a written notice of intent to purchase a specific available property at the listed appraised fair market value.

(E) NOTICE OF ELIGIBILITY OF HIGHEST ELIGIBLE PURCHASER TO PURCHASE PROPERTY.—The Secretary of the Interior shall provide notice to the potential purchaser with the highest eligible purchaser priority for each property that the purchaser will have the first opportunity to execute a sales contract and purchase the property.

(F) AVAILABILITY TO OTHER PURCHASERS ON PRIORITY LIST.—If no purchase contract is executed for a property by the highest priority purchaser within the 180 days after receipt of notice under subparagraph (E), the Secretary of the Interior shall make the property available to other purchasers listed on the priority list.

(G) LIMITATION ON NUMBER OF PROPERTIES.—No household may purchase more than 1 residential property under this paragraph.

(4) RESIDUAL PROPERTY TO COUNTY.—If a residence or lot to be disposed of under this Act is not purchased in accordance with paragraph (2) or (3) within 2 years after providing the first notice of intent to sell under paragraph (1)(B), the Secretary of the Interior shall convey the residence or lot to Daggett County without consideration.

(5) ADVISORY COMMITTEE.—The Secretary of the Interior, acting through the Upper Colorado Regional Director of the Bureau of Reclamation, may appoint a nonfunded Advisory Committee comprised of 1 representative from each of the Bureau of Reclamation, Daggett County, and the Dutch John community to review and provide advice to the Secretary on the resolution of disputes arising under this subsection and subsection (f).

(6) FINANCING.—The Secretary of the Interior shall provide advice to potential purchasers under this subsection and subsection (f) in obtaining appropriate and reasonable financing for the purchase of a residence or lot.

(f) UNOCCUPIED PLATTED LOTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall make an unoccupied platted lot described in section 4(d)(4) available for sale to eligible purchasers for the appraised fair market value of the lot.

(2) CONVEYANCE FOR PUBLIC PURPOSE.—On request from Daggett County, the Secretary of the Interior may convey directly to the County without consideration a lot referred to in paragraph (1) that will be used for a public use purpose that is consistent with the land use plan developed under section 8(a).

(3) ADMINISTRATION.—The procedures established under subsection (e) shall apply to this subsection to the maximum extent practicable, as determined by the Secretary of the Interior.

(4) LAND-USE DESIGNATION.—For each lot sold under this subsection, the Secretary of the Interior shall include in the notice of intent to sell the lot provided under this subsection the land-use designation of the lot established under the land use plan developed under section 8(a).

(5) LIMITATION ON NUMBER OF LOTS.—No household may purchase more than 1 residential lot under this subsection.

(6) LIMITATION ON PURCHASE OF ADDITIONAL LOTS.—No household purchasing an existing residence under this section may purchase an additional single home, residential lot.

(7) RESIDUAL LOTS TO COUNTY.—If a lot described in paragraph (1) is not purchased in accordance with paragraphs (1) through (6) within 2 years after providing the first notice of intent to sell under this subsection, the Secretary of the Interior shall convey the lot to Daggett County without consideration.

(g) SPECIAL USE PERMITS.—

(1) SALE.—Lands on which Forest Service special use permits are issued to holders numbered 4054 and 9303, Ashley National Forest, comprising approximately 15.3 acres and 1 acre, respectively, may be sold at appraised fair market value to the holder of the permit.

(2) ADMINISTRATION OF PERMITS.—On transfer of jurisdiction of the land to the Secretary of the Interior pursuant to section 6, the Secretary of the Interior shall administer the permits under the terms and conditions of the permits.

(3) NOTICE OF AVAILABILITY FOR PURCHASE.—The Secretary of the Interior shall notify the respective permit holders in writing of the availability of the land for purchase.

(4) APPRAISALS.—The Secretary of the Interior shall not conduct an appraisal of the land unless the Secretary receives a written notice of intent to purchase the land within 2 years after providing notice under paragraph (3).

(5) ALTERNATIVE PARCELS.—On request by permit holder number 9303, the Secretary of

the Interior, in consultation with Daggett County, may—

(A) consider sale of a parcel within the Daggett County community of similar size and appraised value in lieu of the land under permit on the date of enactment of this Act; and

(B) provide the holder credit toward the purchase or other negotiated compensation for the appraised value of improvements of the permittee to land under permit on the date of enactment of this Act.

(6) RESIDUAL LAND TO COUNTY.—If land described in paragraph (1) is not purchased in accordance with paragraphs (1) through (5) within 2 years after providing the first notice of intent to sell under this subsection, the Secretary of the Interior shall convey the land to Daggett County without consideration.

(h) TRANSFERS TO COUNTY.—Other land occupied by authorization of a special use permit, easement, or right-of-way to be disposed of under this Act shall be transferred to Daggett County if the holder of the authorization and the County, prior to transfer of the lands to the County—

(1) agree to and execute a legal document that grants the holder the rights and privileges provided in the existing authorization; or

(2) enter into another arrangement that is mutually satisfactory to the holder and the County.

(i) CHURCH LAND.—

(1) IN GENERAL.—The Secretary of the Interior shall offer to sell land to be disposed of under this Act on which is located an established church to the parent entity of the church at the appraised fair market value.

(2) NOTICE.—The Secretary of the Interior shall notify the church in writing of the availability of the land for purchase.

(3) RESIDUAL LAND TO COUNTY.—If land described in paragraph (1) is not purchased in accordance with paragraphs (1) and (2) within 2 years after providing the first notice of intent to sell under this subsection, the Secretary of the Interior shall convey the land to Daggett County without consideration.

(j) RESIDUAL PROPERTIES TO COUNTY.—The Secretary of the Interior shall convey all lands, buildings, or facilities designated for disposal under this Act that are not conveyed in accordance with subsections (a) through (i) to Daggett County without consideration.

(k) WATER RIGHTS.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary of the Interior shall transfer all water rights the Secretary holds that are applicable to the Dutch John municipal water system to Daggett County.

(2) WATER SERVICE CONTRACT.—

(A) IN GENERAL.—Transfer of rights under paragraph (1) is contingent on Daggett County entering into a water service contract with the Secretary of the Interior covering payment for and delivery of untreated water to Daggett County pursuant to the Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.).

(B) DELIVERED WATER.—The contract shall require payment only for water actually delivered.

(3) EXISTING RIGHTS.—Existing rights for transfer to Daggett County under this subsection include—

(A) Utah Water Right 41–2942 (A30557, Cert. No. 5903) for 0.08 cubic feet per second from a water well; and

(B) Utah Water Right 41–3470 (A30414b), an unapproved application to segregate 12,000 acre-feet per year of water from the original approved Flaming Gorge water right (41–2963) for municipal use in the town of Dutch John and surrounding areas.

(4) CULINARY WATER SUPPLIES.—The transfer of water rights under this subsection is conditioned on the agreement of Daggett County to provide culinary water supplies to Forest Service campgrounds served (on the date of enactment of this Act) by the water supply system and to Forest Service and Bureau of Reclamation facilities, at a rate equivalent to other similar uses.

(5) MAINTENANCE.—The Secretary of Agriculture and the Secretary of the Interior shall be responsible for maintenance of their respective water systems from the point of the distribution lines of the systems.

(l) SHORELINE ACCESS.—On receipt of an acceptable application, the Secretary of Agriculture shall consider issuance of a special use permit affording Flaming Gorge Reservoir public shoreline access and use within the vicinity of Dutch John in conjunction with commercial visitor facilities provided and maintained under such a permit.

(m) REVENUES.—

(1) IN GENERAL.—Except as provided in paragraph (2), all revenues derived from the sale of properties as authorized by this Act shall temporarily be deposited in a segregated interest-bearing trust account in the Treasury with the moneys on hand in the account paid to Daggett County semiannually to be used by the County for purposes associated with the provision of governmental and community services to the Dutch John community.

(2) DEPOSIT IN THE GENERAL FUND.—Of the revenues described in paragraph (1), 15.1 percent shall be deposited in the general fund of the Treasury.

SEC. 11. VALID EXISTING RIGHTS.

(a) AGREEMENTS.—

(1) IN GENERAL.—If any lease, permit, right-of-way, easement, or other valid existing right is appurtenant to land conveyed to Daggett County, Utah, under this Act, the County shall honor and enforce the right through a legal agreement entered into by the County and the holder before the date of conveyance.

(2) EXTENSION OR TERMINATION.—The County may extend or terminate an agreement under paragraph (1) at the end of the term of the agreement.

(b) USE OF REVENUES.—During such period as the County is enforcing a right described in subsection (a)(1) through a legal agreement between the County and the holder of the right under subsection (a), the County shall collect and retain any revenues due the Federal Government under the terms of the right.

(c) EXTINGUISHMENT OF RIGHTS.—If a right described in subsection (a)(1) with respect to certain land has been extinguished or otherwise protected, the County may dispose of the land.

SEC. 12. CULTURAL RESOURCES.

(a) MEMORANDA OF AGREEMENT.—Before transfer and disposal under this Act of any land that contains cultural resources and that may be eligible for listing on the National Register of Historic Places, the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Utah Historic Preservation Office, and Daggett County, Utah, shall prepare a memorandum of agreement, for review and approval by the Utah Office of Historical Preservation and the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), that contains a strategy for protecting or mitigating adverse effects on cultural resources on the land.

(b) INTERIM PROTECTION.—Until such time as a memorandum of agreement has been approved, or until lands are disposed of under this Act, the Secretary of Agriculture shall provide clearance or protection for the resources.

(c) TRANSFER SUBJECT TO AGREEMENT.—On completion of actions required under the memorandum of agreement for certain land, the Secretary of the Interior shall provide for the conveyance of the land to Daggett County, Utah, subject to the memorandum of agreement.

SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERNMENT CONTROL.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Interior shall provide training and transitional operating assistance to personnel designated by Daggett County, Utah, as successors to the operators for the Secretary of the infrastructure facilities described in section 4(c).

(2) DURATION OF TRAINING.—With respect to an infrastructure facility, training under paragraph (1) shall continue for such period as is necessary for the designated personnel to demonstrate reasonable capability to safely and efficiently operate the facility, but not to exceed 2 years.

(3) CONTINUING ASSISTANCE.—The Secretary shall remain available to assist with resolving questions about the original design and installation, operating and maintenance needs, or other aspects of the infrastructure facilities.

(b) TRANSITION COSTS.—For the purpose of defraying costs of transition in administration and provision of basic community services, an annual payment of $300,000 (as adjusted by the Secretary for changes in the Consumer Price Index for all-urban consumers published by the Department of Labor) shall be provided from the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (70 Stat. 107, chapter 203; 43 U.S.C. 620d), to Daggett County, Utah, or, in accordance with subsection (c), to Dutch John, Utah, for a period not to exceed 15 years beginning the first January 1 that occurs after the date of enactment of this Act.

(c) DIVISION OF PAYMENT.—If Dutch John becomes incorporated and become responsible for operating any of the infrastructure facilities referred to in subsection (a)(1) or for providing other basic local governmental services, the payment amount for the year of incorporation and each following year shall be proportionately divided between Daggett County and Dutch John based on the respective costs paid by each government for the previous year to provide the services.

(d) ELECTRIC POWER.—

(1) AVAILABILITY.—The United States shall make available electric power and associated energy from the Colorado River Storage Project for the Dutch John community.

(2) AMOUNT.—The amount of electric power and associated energy made available under paragraph (1) shall not exceed 1,000,000 kilowatt-hours per year.

(3) RATES.—The rates for power and associated energy shall be the firm capacity and energy rates of the Salt Lake City Area/Integrated Projects.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) RESOURCE RECOVERY AND MITIGATION.—There are authorized to be appropriated to the Secretary of Agriculture, out of nonpower revenues to the Federal Government from land transferred under this Act, such sums as are necessary to implement such habitat, sensitive resource, or cultural resource recovery, mitigation, or replacement strategies as are developed with respect to land transferred under this Act, except that the strategies may not include acquisition of privately owned lands in Daggett County.

(b) OTHER SUMS.—In addition to sums made available under subsection (a), there are authorized to be appropriated such sums as are necessary to carry out this Act.

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

Mr. HANSEN. Mr. Speaker, S. 890 is a very important bill. It helps a small town in Utah, and it saves the American people millions of dollars.

The Town of Dutch John was established in 1958 by the Bureau of Reclamation to provide housing and serve project construction needs for the construction of Flaming Gorge Dam. This provision will privatize certain lands at Dutch John which are no longer needed by the Bureau of Reclamation. In an agreement reached between the local county and the Bureau, this language will transfer these lands and save the taxpayer over one million dollars annually.

I ask my colleagues to give S. 890 their full support.

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

INTERNATIONAL CHILD LABOR RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4506) to provide for United States support for developmental alternatives for underage child workers, as amended.

The Clerk read as follows:

H.R. 4506

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 ''International Child Labor Relief Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Article 32 of the United Nations Convention on the Rights of the Child recognizes ''the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development.''.

(2) Article 2 of Convention 138 of the International Labor Organization, the Minimum Age Convention, states that the minimum age for admission to employment or work ''shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.''.

(3) Convention 29 of International Labor Organization, the Forced Labor Convention, which has been in effect since 1930, prohibits most forms of ''forced or compulsory labor'', including all forced labor by people under the age of 18.

(4) Although it is among the most universally condemned of all human rights abuses, child labor is widely practiced. The International Labor Organization and the United Nations Children's Fund (UNICEF) have estimated the total number of child workers to be between 200,000,000 and 250,000,000. More than 95 percent of those child workers live in developing countries.

(5) The International Labor Organization has estimated that 13.2 percent of all children 10 to 14 years of age around the world were economically active in 1995. According to UNICEF, 75 percent of the child laborers in the 10 to 14 age group work 6 days a week or more, and 50 percent work 9 hours a day or more. There are no reliable figures on workers under 10 years of age, though their numbers are known to be significant. Reliable child labor statistics are not readily available, in part because many governments in the developing world are reluctant to document those activities, which are often illegal under domestic laws, which violate international standards, and which may be perceived as a failure of internal public policy.

(6) Notwithstanding international and domestic prohibitions, many children in developing countries are forced to work as debt-bonded and slave laborers in hazardous and exploitative industries. According to the United Nations Working Group on Contemporary Forms of Slavery and the International Labor Organization, there are tens of millions of child slaves in the world today. Large numbers of those slaves are involved in agricultural and domestic labor, the sex industry, the carpet and textile industries, and quarrying and brick making.

(7) In many countries, children lack either the legal standing or the means to protect themselves from cruelty and exploitation in the workplace.

(8) The employment of children often interferes with the opportunities of such children for basic education. Furthermore, where it coexists with high rates of adult unemployment, the use of child labor likely denies gainful employment to millions of adults.

(9) While child labor is a complex and multifaceted phenomenon that is tied to issues of poverty, educational opportunity, and culture, its most abusive and hazardous forms are repugnant to basic human rights and must be eliminated.

(10) Created in 1992, the International Labor Organization's International Program on the Elimination of Child Labor (IPEC) is the world's largest technical cooperation program on child labor, involving more than 50 countries and over 1,000 action programs. Governments take the initiative in seeking IPEC assistance, and demonstrate their commitment to combating child labor by signing a memorandum of understanding with IPEC, which serves as the basis for a long term in-country program that is overseen by a national steering committee comprised of representatives of government, employers' and workers' organizations, and relevant non-governmental organizations. IPEC activities aim at preventing child labor, withdrawing children from hazardous work, and providing alternatives to child labor as a transitional measure toward its elimination.

SEC. 3. UNITED STATES SUPPORT FOR DEVELOPMENTAL ALTERNATIVES FOR UNDERAGE CHILD WORKERS.

For each of the fiscal years 1999 through 2001 there are authorized to be appropriated for the Department of Labor under the heading ''International Labor Affairs Bureau'' $30,000,000 for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I would like to express my support for the International Child Labor Relief Act, H.R. 4506. I commend its chief sponsors, the distinguished chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), for his tireless work in drawing attention to the growing epidemic of child labor. It is one of the most universally condemned of all human rights abuses.

The work that exploited children do is more often than not dirty, demeaning, and dangerous. A large proportion of the estimated 250 million exploited children in the world are debt bonded or slave laborers. Employment prevents a child from gaining a basic education, and for children whose employment involves captivity, employment means no education at all.

This legislation authorizes $90 million over the next 3 years to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor, IPEC. Each of the more than 50 countries participating in IPEC have signed a memorandum of understanding that serves as a basis for its own long-term efforts to address this problem.

There can be little doubt that the ongoing economic crisis in Asia has forced governments and non-governmental groups alike to reevaluate their programs and strategies to address this critically important issue.

Most experts agree that governments can help to address this growing humanitarian crisis by promoting free education to reduce the incidence of child labor, but the revival of economic growth throughout Asia and other affected market economies is no less essential to the long-term solution to the exploitation of underage workers.

□ 2115

Accordingly, Mr. Speaker, I urge my colleagues to support this vitally important legislation to ensure that child labor issues are given the attention they deserve in the Clinton administration and among all the 174 members of the International Labor Organization.

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

Mr. LUTHER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to thank the gentleman from New York (Chairman GILMAN) and the gentleman from Minnesota (Mr. LUTHER) for being here tonight to outline why this bill is so necessary.

Mr. Speaker, I would like to be home with my kids, and I know that each of my colleagues would like to be as well. We will go home and we will look at those kids and know that they are well

fed and clothed and housed and cared for and nurtured. But that is not the case with hundreds of millions of children around the globe.

I would like to share a few of these children that this bill that these gentlemen, along with the gentleman from New Jersey (Mr. SMITH), who was the principal sponsor on the Committee on International Relations, have cared for who would not have been cared for, who will not even be noticed, unless we provide this money.

Mr. Chairman, this is a picture of a girl shining shoes. She works in a shoe shine stand in Ecuador. She cannot be more than 4 years old. She represents the millions of children who work on the streets of the world's cities. Children are sent on to the streets to work or to beg, and while seeking work, they are easy prey.

They are given a job, like this girl, shining shoes. They must turn over all the money they receive to an older child, who then gives them a small portion as salary. The older child rakes in profits by exploiting a small army of children. Frequently, though, the older child is in a similar relationship with even older children who control large groups of these children. Those who are beggars may be maimed to make them look more helpless and miserable than other beggars.

And as the children grow older, they learn they can make more money by theft or by exploiting children younger than themselves.

Here is another picture of the kind of child that this legislation deals with. This is a little girl who works in Aligarth, India, a town on the border of Nepal. This child is making tiny padlocks. The average pay for the children in the metal industry is $6 a month. They work 60-hour workweeks. They are recruited by middlemen, who are paid by the contractor, who prefers children because they are so much easier to control.

Although almost all metal factories claim to be family businesses to skirt India's scant child labor regulations, there are virtually no incidences of actual family metal shops in this part of India.

These children remove molten metal from molds near furnaces. They work with furnaces at temperatures of 2,000 degrees. Burns are a constant danger. Children also work electroplating, polishing and applying chemicals to metal. This child is polishing padlocks on a small grindstone. Fumes and metal dust are constantly inhaled by these children, which causes tuberculosis and respiratory problems.

The last picture of children that this legislation will help this is a little girl. This little girl is hammering rocks. Sometimes in other parts of the world the entire family is working in bondage, perhaps to pay the debt of a deceased relative. Children are required to work alongside their parents to maximize production. They work up to 14 hours a day carrying rocks or breaking them into pieces. That is what this young girl is doing. She lives in an area where gravel is scarce. In order to make cement, rocks must be broken down to small stones.

In many rural areas, traditional class or caste systems perpetuate bonded labor. Pledging one's labor and that of his children may be the only resource that a father has and may be all that he can pledge as security for a loan. Unfortunately, this same family may be uneducated, illiterate. It is easy prey for a moneylender who may charge outrageous interest rates.

That is why this bill does what it does. That is why the gentleman from New York (Chairman GILMAN); why the gentleman from New Jersey (Mr. SMITH), chairman of our subcommittee; why the gentleman from Minnesota (Mr. LUTHER); why so many members of the Committee on International Relations and of the body, and really of the staff, know that this bill has to pass.

These are just a few of the horrors that exist as we speak. They have to be eliminated. This bill is important. I am sorry it comes up so late at night, but I appreciate the fact that the chairman has brought it up, and I appreciate the time that has been given me by the gentleman from Minnesota.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) for his very eloquent remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, who is the original sponsor of this measure.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) for his kind words and for his work on this important legislation. I also thank the gentleman from Minnesota (Mr. LUTHER) and a number of other sponsors, including the gentleman from California (Mr. LANTOS), the ranking member of our Subcommittee on International Operations and Human Rights; the gentlewoman from Florida (Ms. ROS-LEHTINEN); the gentleman from Vermont (Mr. SANDERS); the gentleman from Florida (Mr. CANADY); the gentleman from Massachusetts (Mr. KENNEDY); the gentleman from Virginia (Mr. WOLF); the gentleman from Ohio (Mr. KUCINICH); the gentleman from Florida (Mr. DIAZ-BALART); the gentleman from Virginia (Mr. MORAN) who already spoke; the gentleman from Indiana (Mr. SOUDER); the gentleman from Pennsylvania (Mr. FOX); the gentleman from Pennsylvania (Mr. PITTS), and others who helped shape this legislation and worked so hard to bring it to the floor today.

Mr. Speaker, international child labor is a cancer on our global economy that defies an easy cure. In the words of the International Labor Organization, and I quote, ''Few human rights abuses are so unanimously condemned while being so widely practiced as child labor.''

Today somewhere between 200 and 250 million children under the age of 14 are being robbed of their youth for the profit of others. Many work in hazardous industries such as mining, explosives, manufacturing, and even deep-sea fishing. Others are forced into prostitution and other forms of sexual exploitation.

The sheer magnitude of these statistics, 250 million kids, a staggering number of kids, can blind us to the human misery that they represent. Those of us who are parents should imagine our own kids in those kinds of circumstances. Only then, I think, do we begin to get a taste of the hopelessness caused by this exploitation.

While the problem is heartbreaking and immense, there are new reasons for hope. Global public awareness of this problem is greater than it has ever been. My subcommittee has held three exhaustive hearings on the issue of child labor, and it involved representatives of the administration, nongovernmental organization witnesses, labor and manufacturing representatives, concerned celebrities such as Kathie Lee Gifford, who I think offered some very useful insight to our committee, and child victims themselves. Those who had actually been exploited came before the committee and stood there and told us how they were abused.

This year, the International Labor Conference issued proposed new labor standards on what they call extreme forms of child labor, which is expected to be adopted next June. Tonight it is increasingly important that we seize this momentum.

Experts believe that the current international financial difficulties that we see every day, just open up the paper about what is going on over the world, may only worsen the problem unless we take some real action.

One of the most promising weapons in the fight against child labor is the International Program on the Elimination of Child Labor, or IPEC, of the International Labor Organization. IPEC works within countries to help develop and execute practical solutions to child labor abuse. IPEC works only in countries whose governments have officially committed themselves to developing national child labor policies in cooperation with employers, workers, NGOs and other relevant parties.

Over the past 3 years, the United States' modest, and I mean this, it is really modest, contributions to IPEC has been on the order of $1 million to $3 million. Yet even that minuscule amount of money has resulted in discernible improvements. Remember, this bill will authorize $90 million over 3 years for these kinds of programs. We are talking about 1 to 3 million, and we even see some success there.

One U.S.-funded project in Bangladesh removed 10,000 children from garment factories and placed them in schools. Another program in Pakistan will remove 7,000 kids from the soccer ball industry. My kids play soccer and

have played it all their lives and are on travel teams. It causes me great concern, as it does all of us, that every soccer ball that we pick up comes from Pakistan, made by some kid. That is horrible and has to change. This modest program has begun to change that.

This program provides a social safety net for children and creates a local monitoring mechanism to ensure that they do not return to factory work. By stressing in-country program ownership and requiring local industries to share the costs, IPEC plans for those efforts to become self-sufficient. The old adage, give somebody a fish and they can eat; teach them to fish, and they can eat for a lifetime. We try to help, they try to help the countries to really become self-sufficient.

Let me remind my colleagues that when they are working at these sweatshops, these kids are not going to school. So their prospects for the future are greatly inhibited and retarded as a direct result of the exploitation, and the prospects of breaking out of that become very limited indeed.

Mr. Speaker, our country should be the global standard bearer for human rights. On some things we are, and many other aspects we fall far short. But at least we should be always striving for human rights and human decency. We are blessed, clearly, with unparalleled prosperity. However, to date our IPEC contributions total only about $8 million. That is the aggregate, as compared to $65 million pledged by Germany and $12.5 million by Spain. We must, I would submit, and we can, and with this legislation we will, do better.

Notwithstanding international acclaim for its program, IPEC has not had enough funding, and we have asked them and they have documented that they are far short of the funding needed to meet all the requests or even most of the requests that they have received from countries seeking help.

This bill seeks $30 million, as I said, each year over 3 years, $90 million total over the next fiscal years. These are some of the things that they have identified: The International Program on the Elimination of Child Labor has identified the need for approximately 10 sectoral programs in dangerous industries where child labor is prevalent, such as mining, fireworks, agriculture, and brick making. Those programs would require a minimum of $2 million for each sectoral program in each participating country.

Based on the success of the U.S.-funded projects in Pakistan in the sporting goods industry, IPEC would like to begin projects in other exporting countries with strong links to the U.S. market. They would like to address the surgical instrument industry in Pakistan, the sporting goods industry in India, and other similar projects. As a matter of fact, they gave us a list at our request of what their hopes would be. Looking through it, they are working, preparatory as they call it, in preparatory countries; nine African countries, five Arab states, four in Asia, one in Central Europe and Eastern Europe, and four in Latin America. That is what this money helps to do, to push the envelope to get into those countries and hopefully help to mitigate the suffering of those kids.

Let me conclude by saying in addition to the more than 30 countries currently participating in IPEC, the total of what I just mentioned, 23 additional countries are seeking IPEC assistance. I would hope that we would get an overwhelming support for this legislation. It is bipartisan, and, as I mentioned earlier, my good friend the gentleman from California (Mr. LANTOS) is the principal cosponsor of this legislation and has worked with us in the hearings. We stand arm in arm, Democrat and Republican, trying to advance the cause for these kids who are suffering and for their families.

Mr. Speaker, I do hope the body will adopt this legislation.

Mr. LUTHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LANTOS), my good friend.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. LUTHER), my friend, for yielding me this time.

Mr. Speaker, I want to pay tribute to my friend and colleague, the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights, for taking the lead on this most important item. I also want to express my appreciation to the gentleman from New York (Chairman GILMAN) who has done so much on this most important issue.

Mr. Speaker, my colleagues have spoken eloquently on this matter, and I do not want to take up much time, except to indicate that it is a moral obligation on the part of all of us to move this legislation. While doing so, allow me to mention that a parallel piece of legislation introduced by me, the Young American Workers Bill of Rights, is also before this body.

□ 2130

It is extremely important for us to deal with child labor all over the world, but we should not forget the issue of child labor here in the United States. Scores of young children in the United States are exploited by unconscionable means, and the Young Workers' Bill of Rights will be an appropriate parallel legislation to this legislation which deals with the exploitation of children across the globe.

Mr. LUTHER. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I, too, would like to echo the remarks of my colleagues and to compliment the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for bringing this legislation to the floor. I also want to commend my good friend, the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights.

With so many lists going around, Mr. Speaker, I do not know which list to go on as far as the listing of the bills on suspension being brought to the floor. I was caught by surprise in learning that this legislation had been brought to the floor for consideration by the Members.

Mr. Speaker, there are approximately 200 to 250 million children in this world who are considered to be working not only under dire circumstances but the fact that they are, as far as I am concerned, Mr. Speaker, they are slave labor. I have held public hearings in the past, Mr. Speaker, on this issue, but I again want to thank the gentleman from New Jersey (Mr. SMITH) for his initiative and his leadership in doing this, not only to sensitize the Members of the Congress about this very serious issue around the world, but the fact that we have now proposed legislation to look into and to fully examine and to provide some sense of sanity to this world and the fact that we have done this so unfairly to these young people around the world.

I want to compliment the gentleman from Virginia (Mr. MORAN), who was here earlier, who shared with us some of the pictures that were taken. I suppose he may have done so himself when he visited some of these countries around the world to see that these things are real and not some abstract idea.

I also want to compliment the members of the Committee on International Relations for their support and the fact that there is true bipartisan support for this piece of legislation.

The sad part about this is, Mr. Speaker, that many of the major companies doing business in some of these Third World countries use children. Supposedly, we are assured that some of the major commodities or products that are being imported to our country are not involved with any children being employed to bring some of these products to our country. But my question is: Who actually looking after this? Where is the assurance to give us that these children are not involved as part of the processing of bringing some of these commodities or products to our country? I seriously question the fact that some of these companies rally do live up to that standard or that requirement.

I know for a fact where many of these products that we receive here, made with labor at 25 cents an hour, end up. When we buy a pair of shoes for $125, I know for a fact that many of these children were involved in that type of employment.

Mr. Speaker, again I commend my good friend from New York (Mr. GILMAN) for bringing this legislation, and I urge my colleagues to support this bill.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX), a member of our committee.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me this time. I appreciate the opportunity to speak on behalf of this legislation.

It is very important that we protect our children in developing countries who have been forced to work as debt bound and slave laborers in hazardous and exploitative industries. According to the United Nations Working Group on Contemporary Forms of Slavery and the international labor organizations, there are tens of millions of child slaves in the world today. This must be ended, and this legislation will take a positive step to stop this.

We know of many countries where children lack either the legal standing or the means to protect themselves from cruelty and exploitation in the workplace. The employment of children often interferes with the opportunities for the youth's basic education, and it coexists with high rates of adult unemployment where this use of child labor denies gainful employment to millions of adults.

While child labor is a complex and multifaceted phenomenon, Mr. Speaker, it is tied to issues of poverty, education opportunity, and culture, and I commend the gentleman from New Jersey (Mr. SMITH) for this legislation; the gentleman from California (Mr. LANTOS), and the other cosponsors of the bill for moving it forward.

I am proud to be a cosponsor, and I look for colleagues on both sides of the aisle to support this legislation to provide for United States support for developmental alternatives to underage child workers, and commend the sponsor again for his leadership and look forward to the bill's passage here this evening.

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

I wish to also express my support for this legislation, and I commend the gentleman from New Jersey (Mr. SMITH) for bringing this before the House. I likewise wish to commend the chairman of our committee, the gentleman from New York (Mr. GILMAN), for his leadership role. And I also want to just thank the various colleagues for their excellent presentations, very compelling presentations, here on the floor this evening.

The problem of child labor is truly a global one, as has been pointed out this evening. It impacts children on almost every continent and deprives them of their opportunities for a normal and safe childhood. It is one of the most intolerable forms of human rights abuses. Children have no way of protecting themselves against forced labor and dangerous and exploitative conditions. Recognizing this problem, I am pleased that the President announced earlier this year a child labor initiative.

This bill, as has been pointed out, will make the U.S. a leader in the international effort to eliminate child labor, and the children of the world need the United States to play a leadership role on this issue. Mr. Speaker, I urge the adoption of this bill.

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

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4506, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING REWARDS FOR INFORMATION LEADING TO ARREST OR CONVICTION OF ANY INDIVIDUAL FOR COMMISSION OR CONSPIRACY OF AN ACT OF INTERNATIONAL TERRORISM, NARCOTICS RELATED OFFENSES, OR FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO FORMER YUGOSLAVIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, as amended.

The Clerk read as follows:

H.R. 4660

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

SECTION 1. CHANGES IN DEPARTMENT OF STATE REWARDS PROGRAM.

(a) INCREASE IN MAXIMUM AMOUNT OF AWARD.—Section 36(c) of the State Department Basic Authorities Act (22 U.S.C. 2708(c)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

(b) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—Section 36(g) of the State Department Basic Authorities Act (22 U.S.C. 2708(g)) is amended in the first sentence by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 2. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

The State Department Basic Authorities Act of 1956 is amended by adding after section 36 the following new section:

''SEC. 36A. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

''(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

''(1) the arrest or conviction in any country, or

''(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

''(b) PROCEDURES.—

''(1) Subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

''(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

''(B) the publication of rewards;

''(C) the offering of joint rewards with foreign governments;

''(D) the receipt and analysis of data; and

''(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

''(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

''(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

''(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

''(d) DETERMINATION OF THE SECRETARY.—All determinations of the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

''(e) FUNDING.—

''(1) There are authorized to be appropriated to the Department of State $1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $1,000,000 for fiscal year 2001 to carry out this section.

''(2) Amounts appropriated under paragraph (1) shall remain available until expended.

''(f) PRIORITY.—In the administration and payment of rewards under the rewards program of section 36, the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 and that funds paid under this section are paid only after any and all due and payable demands are met under section 36.''.

SEC. 3. VIOLATIONS RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 38(g)(1)(A)(iii) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)(A)(iii)) is amended by adding at the end before the comma the following: ''or section 2339A of such title (relating to providing material support to terrorists)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4660, the bill under consideration.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, H.R. 4660 sends the following message to terrorists and war criminals: ''You can run, but you cannot hide.''

Following the bombings of our embassies in Tanzania and Kenya, we must review the State rewards program. To date, the program is an unqualified success. Using these rewards, the U.S. Government captured terrorists like Ramsi Yousef, the mastermind of the World Trade Center bombing, and Mir Amal Kasi, who murdered two people outside of the CIA headquarters in 1993. Currently, we have an outstanding reward of $2 million to bring Haroun Fazil back dead or alive for the recent U.S. embassy bombings.

And, Mr. Speaker, I am holding up the wanted poster for Fazil here in my hand, printed by the State Department and distributed throughout the world, along with reward matchbook covers, that resulted in the capture of a prior criminal.

We last set the levels of these rewards back in 1989, and they are currently capped at $2 million. Last month, FBI Director Freeh testified before the Senate that the cap on rewards should be raised. Former CIA Director Woolsey noted that the architect of the embassy bombings, the very wealthy Bin Laden, could ''see our $2 million bet and raise it'' more than once. And we agree with that.

The bill before the House raises the total amount available for rewards from $5 million to $10 million, and increases the cap from $2 million to $5 million.

The administration and our senior military commanders in Bosnia also requested Congress to grant authority to the State Department to offer rewards for information leading to the arrest of persons indicted for war crimes in the former Yugoslavia.

Under current law, the State Department may offer rewards for information leading to the arrest of persons who commit terrorist acts or who import illegal narcotics into our Nation. Our military commanders in Bosnia would like to expand that to include persons indicted for war crimes in Yugoslavia.

We all know who the main targets of that effort are, Radovan Karadzic and Ratko Mladic, who ordered and carried out the massacre of 7,000 civilians at Srebrencia, among other crimes. These men remain at large and pose a danger to our U.S. diplomatic and military personnel who are stationed in Bosnia.

Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS), a cosponsor of this legislation, as well as Ambassador Gelbard, and the junior Senator from Arizona, Mr. KYL, all of whom made this legislation possible. This is a bipartisan bill with strong support of the administration and our commanders in the field in Bosnia. Accordingly, I urge its adoption.

Mr. Speaker, the bill authorizes one million dollars in FY99, 00 and 01 to be appropriated to pay for these awards. The Administration expects that awards offered for war criminals will not top $100,000 each. CBO has scored this bill at a cost of $8 million in authorized spending, all subject to appropriation.

It is important to note that while we will authorize such rewards to be offered, the bill requires the Secretary of State to ensure that payment of rewards for the arrest of people in the current law—terrorists and narcotics traffickers—come before this new authority to pay rewards for U.N. war criminals. This requirement keeps the focus of the rewards program on catching people who commit crimes against Americans.

It is also important to state what the bill does not do. It does not authorize rewards for catching people indicted by the Rwanda tribunal, as originally requested by the Administration. While I favor including Rwanda as does most of the members of this committee, we reviewed this proposal with the senior Senator from North Carolina, Mr. Helms, who objected to the inclusion of Rwanda. Since we are looking to consider this bill in the Senate by unanimous consent, we felt it better to not include Rwanda. Nevertheless, if this bill is enacted, I believe that it will make a rewards program for Rwanda more likely to be enacted in the next Congress.

In its comment to the Committee regarding this legislation, the Administration also does not like the language requiring that rewards for the arrest of people who attack Americans and narcotic trafficking take priority over rewards for the arrest of Yugoslav war criminals. While I understand the Administration's call for flexibility, Sen. Helms and I both strongly believe that while we should allow rewards for U.N. war criminals, the priority should remain with the original purposes of the law to arrest those who harm Americans. In light of the Administration's concerns, we did narrow the priority in the bill to making payments for U.N. war criminal arrests after any and all due and payable rewards under the original program are met.

This bill does not permit a judicial review of the U.N. war criminal rewards but I want to emphasize that while the underlying statute does not deal with this subject, we do not imply a judicial review allowed over the current program.

In addition, while we authorize payment of awards only for catching indicted war criminals, the State Department may offer rewards for unindicted criminals. They just cannot make a payment until the War Criminal Court brings forth an official indictment.

With regard to the account rewards will be paid from, the Emergencies in the Diplomatic and Consular Service Account, I will note this account pays the costs of post evacuations, the rewards program and representational expenses of the State Department.

Usually, the account is funded at around $5 million each year and has been supplemented with carryover balances that generally make around $10–12 million available in any given year. This fiscal year, the account is expected to only carry forward only $1 million due to the exceptional number of embassy evacuations.

The FY 98 Supplemental includes $10 million to replenish this account. The $10 million is divided as follows: $4.5 is to pay for medical expenses, transportation, etc. for the families of victims and the Foreign Service Nationals in Kenya and Tanzania, $4.5 to cover rewards following the bombings, and $1 million is targeted for other post evacuations.

The Department has $4 million in transfer authority to replenish this fund out of the Diplomatic and Consular Programs account. They intend to use that authority in FY 99. In FY 2000, the Department expects to have a budget request of $10–12 million.

Since FY 85, $13.3 million has been made available to pay rewards for information leading to the arrest or conviction of persons responsible for international terrorist activities.

FY 97 $1.5 million was available for rewards; $1.2 million was obligated for three narcotics rewards and $144,000 for publicity initiatives.

FY 98 $3 million is available for rewards. $500,000 has been obligated for three narcotics rewards and $86,000 for publicity. Several other rewards are in the interagency review process.

FY 99 $2 million was requested for the rewards program.

In closing, I understand that while the State Department has some concerns with the draft, as outlined above, the Administration strongly supports passage of the bill.

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

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume to rise in support of this bill.

This bill, Mr. Speaker, adds a new authority to the current program of paying rewards for information leading to the arrest of terrorist and narcotics suspects. It would allow the Secretary of State to pay rewards for war criminals who are the subject of an indictment by the International Criminal Tribunal for the former Yugoslavia.

The bill is an important contribution to the efforts of the United States and its NATO allies to move forward on the difficult issues of Bosnia peace implementation. We know that the arrest of major figures who have been indicted by the war crimes tribunal has gone slowly. We need to help energize that process. Offering rewards for information leading to the arrest of war criminals in the former Yugoslavia will, hopefully, give some incentive to those who, until now, have been wavering about offering information.

The arrest of these war criminals may not be the solution in itself to the success of the Dayton peace process, but it would be an important step in the right direction in moving the Dayton peace process forward.

Mr. Speaker, I support this important bill and I urge its adoption.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H.R. 4660, authorizing the provision of rewards for information leading to the arrest and conviction of war criminals and those who have committed other serious violations of international humanitarian law in the former Yugoslavia.

I want to thank the gentleman from New York (Mr. GILMAN) for sponsoring this and for his steadfast work on behalf of those suffering in that very, very troubled region.

□ 2145

As cochairman of the Helsinki Commission, Mr. Speaker, and also as chair of the International Ops and Human Rights Committee, I have had a number of hearings in both of those panels on the issue of war crimes tribunals, on the fact that from the very beginning, we did far too little, we did not provide enough money, but certainly the effort was worth it to try to collect information. Thankfully some of the problems we had in the beginning of underfunding are beginning to be met and the indictments of Mladic and Karadzic and others is, I think, a compelling testimony that we will at some point hold these people responsible. Our hope is that this will be extended in a very proactive and a very aggressive way to what is going on in Kosovo where there is slaughter.

Our Helsinki Commission held a hearing just a few days ago. We heard from former Senator Bob Dole and Assistant Secretary of State for Human Rights John Shattuck who had just visited the region and gave riveting, unbelievably disturbing testimony about the terrible carnage that they had witnessed firsthand and the accounts that they had heard from people fleeing those who are committing these crimes. Those who do these things must be held accountable. This resolution seeks to up the ante, if you will, put a price on their heads, to try to say that there is a reward for those who will promote justice and bringing these people to justice as they so surely deserve.

I want to again thank the gentleman from New York (Mr. GILMAN). This is a very, very worthwhile resolution deserving of the support of our colleagues.

Mr. Speaker, I rise today in support of H.R. 4660, authorizing the provision of rewards for information leading to the arrest and conviction of war criminals and those who have committed other serious violations of international humanitarian law in the former Yugoslavia.

As Co-Chairman of the Helsinki Commission, I have followed the tragic developments in the former Yugoslavia and advocated decisive action to stop the senseless slaughter, first in Bosnia, and most recently in Kosovo. The tragic chapters of genocide and cold blooded murder in the Former Yugoslavia will not be closed until those responsible for such heinous criminal acts are brought to justice.

Developments in Bosnia underscore the fact that there is a price—a high price—to be paid for allowing indicted war criminals like Karadzic and Mladic to remain at large. The unfolding carnage in Kosovo is most certainly the handiwork of the ''Butcher of Belgrade,'' Slobodan Milosevic. I applaud the recent passage of resolutions in the House and Senate calling for the investigation and indictment of Slobodan Milosevic as a war criminal. In fact, I introduced the measure in this House. We all recognize, though, that true justice demands that the net be cast further than the one person most responsible.

As a supporter of the Tribunal from the get go, I offered amendments to boost funding—I believe it is critical that the Tribunal take a proactive stance in Kosovo that could serve as a possible deterrence against a new round of war crimes in the Former Yugoslavia. In the case of Bosnia, the Tribunal could only react to crimes that were mostly committed before and during its formation. In Kosovo, however, crimes could perhaps be deterred, if the Tribunal is vigorous and visible in its investigation of ongoing activity.

Mr. Speaker, we saw a couple of days ago the reports of a major massacre in three villages in Kosovo, where women, children and the elderly were slain and, in some instances, their bodies mutilated by the Serbian security forces. These scenes are all too familiar and, absent determined action, will be repeated over and over and over again. The Helsinki Commission has received disturbing reports from Senator Bob Dole and Assistant Secretary of State John Shattuck who formed a fact-finding mission to Kosovo. They told us about men being separated from women and children and simply taken away, perhaps to lengthy detention or maybe their execution. There are also reports, again of the mass rape being used as a weapon of war.

Mr. Speaker, as a cosponsor of H.R. 4660, I believe adoption of this legislation will underscore the continued commitment of the United States to see that those responsible for the war crimes and other serious violations of international humanitarian law are held accountable for their actions. While it is unlikely that the offer of rewards alone will lead to the arrest or conviction of all of those responsible for war crimes in the Former Yugoslavia, even if one criminal is brought to justice as a result of our action today, the modest investment would have been worth the effort.

Mr. LUTHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I thank my friend for yielding me this time. I rise, Mr. Speaker, in support of this legislation, but also to recognize the enormous contributions of the distinguished Republican chairman of the Committee on International Relations in his fight against terrorism over many years in many capacities. At our annual meetings with the European Parliament, it was Chairman GILMAN who invariably raised the issue of international terrorism, drug trafficking and international criminal activities. His unceasing efforts on behalf of these causes has paid off handsomely. I think this last measure is an appropriate indication of the change of antiterrorist legislation that Chairman GILMAN has introduced. I strongly urge all of my colleagues to support it.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from California for his kind remarks and for his strong support for antiterrorism legislation in our committee.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I too want to congratulate the gentleman from New York (Mr. GILMAN) for bringing this legislation forward. He has worked in a bipartisan fashion with the gentleman from California (Mr. LANTOS) and others in the Committee on International Relations including the gentleman from New Jersey (Mr. SMITH) in making sure that the antiterrorism legislation moves forward in this Congress. We owe a great debt of gratitude to the gentleman from New York for his leadership in this area.

We just have to look to the fact that the program that Chairman GILMAN referred to relates back to the August 7, 1998 reward and poster which he spoke of earlier where two explosions rocked the U.S. embassies in Kenya and in Tanzania killing over 200 innocent people. This particular reward calls for a reward to those individuals who will bring information against Haroun Fazil who is a member of an international terrorist group dedicated to opposing select governments with force and violence.

The fact is this legislation, H.R. 4660, Mr. Speaker, will amend the State Department Basic Authorities Act of 1956 to provide rewards of an increase from $2 million to $5 million for the arrest and conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law.

The fact is that it has been 10 years since the last time this threshold from $2 million to $5 million will have been changed. This legislation of the gentleman from New York which we have supported widely will help us to in fact catch those individuals in Croatia, Bosnia and the Federal Republic of Yugoslavia who are committing the kind of terrorism that the United States wants to end. With this legislation, we will be one step further toward that goal.

I thank the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. LANTOS) and the

other cosponsors including the gentleman from New Jersey (Mr. SMITH) for bringing this bill forward and look forward to its passage. I thank my colleagues on both sides of the aisle for supporting this important bill.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. FOX) for his supporting remarks.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4660, as amended.

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

The title of the bill was amended so as to read:

''A bill to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.''

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING SEWAGE INFRASTRUCTURE FACILITIES IN TIJUANA, MEXICO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 331) expressing the sense of Congress concerning the inadequacy of sewage infrastructure facilities in Tijuana, Mexico.

The Clerk read as follows:

H. CON. RES. 331

ince the 1930's, United States beaches have been severely impacted by the flow of sewage from Mexico and, in the last 2 decades, this environmental problem has been elevated to a major health and safety concern; and

Whereas, most recently, the flow of sewage from Tijuana, Mexico, has forced beach closures and caused other environmental and economic hardships in the cities of Imperial Beach, Coronado, and San Diego, California, and caused severe degradation of the Tijuana National Estuarian Wildlife Preserve: Now, therefore, be it

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

(1) if the Government of Mexico does not take appropriate actions to recognize and mitigate the inadequacy of sewage infrastructure facilities in Mexico (including facilities for the treatment and transport of sewage) and the adverse environmental and economic impacts of sewage from Mexico on cities in the United States, the United States should review its obligations with Mexico under treaties and other international agreements (including agreements relating to port access, loan guarantees, and other types of foreign aid) and take appropriate actions to ensure that the Government of Mexico shares in the burdens caused by its sewage infrastructure problems; and

(2) any measurement of the responsiveness of the Government of Mexico to requests to mitigate its sewage treatment problems should be based on risk assessment procedures developed in consultation with the San Diego County Health Officer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

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

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, the gentleman from California (Mr. BILBRAY) introduced this resolution and I was pleased to be able to take it up before our committee and bring it to the floor today.

This resolution highlights the serious problem of untreated sewage-tainted water flowing down the Tijuana River which is contaminating U.S. seashores and the Tijuana National Estuarian Wildlife Preserve. As recently as August of this year, 12 million gallons of river water contaminated with sewage was flowing down the Tijuana River to the Pacific Ocean every day. Ocean currents carried the contaminated water to the Imperial Beach, Coronado and San Diego area.

This is not a new problem and it has yet to find a permanent solution. There have been terrible moments of crisis since the May 1994 break in the sewage line in Tijuana which dumped 25 million gallons of raw, untreated sewage into the Tijuana River a day for three successive days.

While Mexico has made significant infrastructure investments, our Nation has assumed a majority of the burden of building new sewage treatment infrastructure, and since 1989 has appropriated $234 million for the EPA under Section 510 of the Water Quality Act for ''special purpose projects'' in San Diego. By December of this year, the United States will complete our major outstanding agreed-upon infrastructure improvement, a pipeline to carry treated wastewater some 3½ miles offshore. Still, experts estimate that this will only temporarily help address this binational problem.

It should be underscored that this is a problem that the United States and Mexico must work together jointly to resolve. Both governments must shoulder their responsibility. I have recently met with representatives of the Mexican government along with the gentleman from California (Mr. BILBRAY) to discuss this terrible problem. They have informed us that they both understand and share the deep concern of the people of our Nation who are affected. I am hopeful that the gentleman from California's concerted and tireless efforts have raised the sense of urgency on both sides of the border so that we can get on with solving this problem once and for all.

Accordingly, I ask my colleagues to join me in supporting this resolution.

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

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume. I am aware, Mr. Speaker, that the administration does have concerns about this particular piece of legislation, and I know that there are many Members that have concerns as well. Because we have a 2,000-mile border with Mexico, we face a number of issues that we simply cannot solve without the cooperation of the government of Mexico. To address these issues, we have developed an impressive number of joint efforts over the last decade. Some of these efforts are not adequately funded or staffed, but we have made progress in encouraging the government of Mexico to work with us. We all want to see the sewage problem dealt with faster and better. But we must ask ourselves when we are considering any piece of legislation such as this whether threatening unspecified retaliation for insufficient action will hasten cooperation or will it in fact undermine it. I believe that is exactly why the administration has concerns, Mr. Speaker, and I believe it would be helpful to the debate here this evening if we do hear from others that support the legislation and also others that do have concerns about it. I know the gentleman from California (Mr. BILBRAY) is a supporter and I welcome his comments.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY), the author of this legislation.

Mr. BILBRAY. Mr. Speaker, I thank the chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN) for his steadfast support to addressing this concurrent resolution, H. Con. Res. 331. From the beginning, the chairman has been committed to addressing this as an outcome-based strategy, as it is related to the environmental crisis that we have been confronted with in San Diego, California and Imperial Beach, California and the related surrounding communities of Tijuana.

Mr. Speaker, this resolution is simply a sense of Congress. It outlines past problems, and presents the current problems in a clear, concise aspect of the infrastructure problems that relate to Tijuana, Mexico. This lack of infrastructure has forced the closure of

beaches and caused environmental and economic hardships for the San Diego region, including the degradation of the Tijuana National Estuarian Wildlife Preserve. This resolution simply states that the government of Mexico needs to recognize and mitigate the inadequate sewage infrastructure that is impacting the United States. Frankly, we need the United States and Mexico recognizing that it is the impact and outcome of this pollution that matters the most. Let me place an emphasis on the word ''review'' that is in this bill. It states that if this problem is not taken care of, then the United States will ''review'' its treaties with Mexico. That is all it says. It does not say we will repeal them. It does not mean we will be punitive, but it says we have a relationship with Mexico, we have treaties, and if there is a continuing environmental and health threat, we as Congress think that it is important enough for us to review our treaties. I do not think the word ''review'' is punitive or mean-spirited. I think it is logical. This is only a sense of Congress. It is not legally binding. All we are trying to say is that the long-term relations between our two great countries have many factors that have to be considered. Frankly one of those major factors is the environment along our frontier.

Mr. Speaker, this resolution is not punitive against Mexico. It is not anti-Mexican. It is anti-pollution. Now, there are those who oppose NAFTA. Some of my close friends opposed NAFTA because they were concerned that increased trade would equate to increased pollution, and they wanted an assurance that our trade agreements were not going to push pollution. This resolution, this sense of Congress just says that all our treaties or agreements will be considered; are they helping or hurting a pollution problem? This pollution problem predates NAFTA. Does that mean that all pollution problems that predate NAFTA now will not be considered in a treaty relationship? Some of my colleagues opposed NAFTA because they were concerned about potential pollution related to NAFTA, but I do not believe anybody who opposed NAFTA on that basis was anti-Mexican. So I would ask that my colleagues not think negatively about those of us who supported NAFTA, hoping that NAFTA would give the inspiration for this Congress and for Mexico to take care of some environmental problems that long predate NAFTA. My intention is to use this forum as a means to educate this Congress specifically on this problem.

Now, seeing the interests and concerns that Members have voiced here tonight, I feel we have been successful at least at that step. The fact is children go to the beaches in the United States and have to be told by their parents, ''Patrick, Briana, you can't go in the water. You can't go into your beaches, because a foreign country has polluted your neighborhood.''

□ 2200

The communities of San Diego and Tijuana have enjoyed a special relationship. In fact, I was the mayor of the city that was a sister city to Tijuana long before the City of San Diego even considered a formal long-term relationship with Tijuana. We have strong cultural and economic ties that enable us as neighbors to work together. Even now there are various issues that we are working on to address these issues. We are talking about the City of Imperial Beach and City of San Diego sending vector trucks into Mexico to help clear out their sewer lines. Why would one city send a sewer truck to another neighbor city? So the sewage of one does not pollute their beaches of another.

My goal tonight, Mr. Speaker, is to raise the awareness of my colleagues, to say to them they must be familiar with existing environmental problems if they are going to truly address those that they say may be created in the future. It is now my hope that this resolution will sensitize both the Mexican government and the U.S. Government to understand that this issue needs to be addressed, to inspire them to work together on outcome-based environmental strategies.

Now I have worked on this item, Mr. Speaker, for over 20 years. I have been involved in negotiations that date back to 1978 with the Carter administration, 1985 in the negotiations and 1990 that actually put together the proposal for building a plant that has cost over $200 million of taxpayers' funds. And American taxpayers who say, ''What are you going to get for it? Are our beaches really going to be clean?'' This sense of Congress will be saying we are committed to our beaches being clean.

I would ask us to look at the fact that we are going to implement improvements that tie together economic opportunities with environmental responsibility. I would say to our colleagues—is that so unfair? I would ask us to recognize that we are building plants today that people are concerned are not going to clean up the beaches. This bill is an added assurance by those of us in Congress that, yes, it will clean up the beaches and we will commit that we will do everything possible to clean up those beaches.

This August we had a meeting, because we had a situation where the beaches of Imperial Beach were closed during August, summertime, major tourist season, and the tourists came to the United States Open Sand Castle Competition, only to be greeted by red pollution signs. What do I tell Mike Bixler, the mayor of Imperial Beach, when he calls an emergency meeting and says, ''Why are my beaches being polluted by a foreign government?'' What I have told him is that I will do everything possible to educate Washington and to educate Mexico City to what the people of Imperial Beach and Coronado and San Diego are going through.

Mr. Speaker, this is only a sense of Congress. We are not asking to spend money, we are not asking to take on anything except the feeling that this has to be addressed, and our colleagues will keep an open mind.

Some may say that threats to Mexico does not work and will never work. Well, first of all, I would ask my colleagues to read the record. We are not talking about a threat, we are talking about raising a legitimate concern, just as Ambassador Gavin in 1985 raised a concern over a grant for water projects in Tijuana that would result in more sewage pouring into the United States, and because Gavin at that time spoke clearly and frankly to Mexico, Mexico agreed that we must make major improvements.

I think that this is another one of those chances for us to make a clear statement. The problem has gone on for decades and decades and decades. My colleagues, there are those who promised to take care of these environmental problems if NAFTA was passed. Those of my colleagues who oppose NAFTA raised that issue. Now is their chance to say everything will be considered to clean up the environment.

Mr. Speaker, I ask that my colleagues approve H. Con. Res. 331, and let me say sincerely I was raised in a community with raw Mexican sewage pouring in and polluting our beaches. I was raised in this kind of health threat. My children are second generation sewage kids growing up with this pollution. Please let us work together as Members of Congress, and let us work together between the United States and Mexico. Let us make a commitment tonight that from the year 2000 on, from now on, we will stop finding excuses for letting our beaches be polluted, and that the next generation of children that go to that beach will have clean beaches, pure beaches and have an environment that is safe and appropriate. Because let me tell my colleagues flat out: For those who are concerned about social injustice, that environmental policies are not enforced equally, let me assure my colleagues we are talking about a working class neighborhood that happens to have a high percentage of minorities, and they have not been represented by this Congress equally and fairly in the past. Let us start changing that today and tell the children in Imperial Beach and in Tijuana and San Diego we are committed to doing whatever we can whenever we can to make sure it does not happen any more.

Thank you, Mr. Speaker. I'd like to begin by thanking the Chairman of the House Committee on International Relations, Mr. GILMAN, for his steadfast support and effort on House Concurrent Resolution 331. After returning home to Imperial Beach to close beaches for the second summer in a row, resulting from Mexican sewage overflowing or leaking from inadequate and poorly maintained sewage treatment plants across the border, I asked Chairman GILMAN for his assistance in working on this problem.

From the beginning, Chairman GILMAN has been committed to working with me on this environmental and public health crisis. In fact, earlier this afternoon, the Chairman and I had the opportunity to meet with representatives from the Mexican Embassy to discuss both countries' mutual interest in resolving these problems. Again, I thank the Chairman for his leadership and support.

As the Chairman pointed out, H. Con. Res. 331 is simply a ''sense of Congress'' outlining past and present problems with inadequate sewage infrastructure and treatment facilities in Tijuana, Mexico. This lack of infrastructure has forced beach closures and caused other environmental and economic hardships in the south bay region of San Diego, including severe degradation of the Tijuana National Estuarian Wildlife Preserve. The neighborhoods that are directly impacted by this health threat, such as my hometown of Imperial Beach, consist of largely working class, predominately minority families.

The Concurrent Resolution goes on to state that if the government of Mexico does not recognize and mitigate the inadequacy of sewage infrastructure, then the United States should ''review'' its existing relationships with Mexico, including existing treaties and other international agreements to see where the weaknesses may exist. Let me place an emphasis on the word review. Such a review will open both the governments of the United States and Mexico to scrutiny on these agreements.

Let me be perfectly clear, this is ONLY a sense of Congress. It is not legally binding, nor does it require Congress to Act. This resolution is not punitive, nor is it anti-Mexico. Frankly, my intent is to use it as a means of educating Congress on the problems many border communities confront on a regular basis. Given the number of Members now showing interest in this issue, I think I've been successful.

I recognize and applaud the ongoing bilateral efforts and binational cooperation of the governments of Mexico and the United States in developing a long-term solution in addressing this problem. The communities of San Diego and Tijuana enjoy a special relationship. Their strong cultural and economic ties have enabled these neighbors to work together, even now, on a variety of issues, including sewage spills. My ultimate goal is for Washington, DC and Mexico City to reach this same level of cooperation and to increase their responsiveness to the local citizens of San Diego and Tijuana.

My intent is to raise the level of awareness on this issue to my fellow colleagues who may be unfamiliar with some of the unique environmental problems we have along the border. It is also my hope that with this resolution, both the Mexican and U.S. governments will understand just how serious our level of commitment is on this issue, and will be inspired to continue to work cooperatively in resolving both the short-term and long-term problems.

Unfortunately, this issue is not new to either the United States or to Mexico. In my 20 years of public service, I have had numerous meetings and extensive dialogue with national and local officials from Mexico, and have raised this issue again on two recent congressional delegation trips to Mexico, as participant in the Interparliamentary Conference. The results have been mixed. On the one hand, Mexico understands the severity of the problem and the need to build a permanent, stable and safe sewage treatment system. On the other, I recognize, better than most, the problems Mexico continues to face in terms of available financial resources.

However, the implementation of these efforts has been less than satisfactory. There has yet to be established between these communities a reliable notification system to alert them when a leak or overflow takes place. All of the communities affected need to realize that this is a regional crisis, and it will take the entire region to resolve these issues.

The United States and Mexico have demonstrated that they can work effectively together, but clearly more attention needs to be devoted to follow-through. In 1990, the United States and Mexico agreed to build a sewage treatment plant in the United States to treat sewage waste from Mexico, because the treatment plant in Mexico was unable to treat the increased volume of waste. However, leakages and overflows on the Mexican side of the border have continued to occur. Unfortunately, that waste continuously ends up on local U.S. beaches. The multi-million dollar plant can't treat sewage that doesn't get to the pipe, which can deliver it for treatment.

Frustration on the part of local officials culminated in an August meeting organized by the mayor of Imperial Beach. Participants included IBWC Commissioners from both Mexico and the United States, a San Diego County supervisor, the Counsel General from Tijuana, City of San Diego officials, and myself. While the attendees were reassured with the status of the long-term plan, concerns remain about the current overflow of sewage waste. A dialogue of possible short-term solutions was initiated at this meeting. As a result of these discussions, the cities of San Diego and Imperial Beach are attempting to send U.S. vector trucks across the border into Tijuana, Mexico to clean out the accumulated debris and cobble stones, which are causing blockages in the pipes and storm drains, which, in turn, are causing sewage to run into the Tijuana River and on to our beaches. We're awaiting final approval from Mexican Customs implementation of this project.

I'd like to raise one last issue. There are some pundits and foreign policy ''experts'' that will claim that Mexico does not respond well under pressure or to threats, and that this resolution will harm the situation more than help it. Again, this is only a ''sense of Congress''—we're only bringing long overdue attention to a very serious problem and maintain the level or urgency of this problem until a solution is in place. I might add that there are also those who will argue that the threat of pressure on Mexico has been used before as an excuse to not assert the need for change to the status quo.

More importantly, however, how can we, as a Congress, in good conscience allow our environment and our public health and safety continue to be at risk without raising this issue? This problem has been going on for decades. It's about time both sides come together and acknowledge the need to comprehensively resolve the sewage crisis along the border. H. Con. Res. 331 can begin this process.

Again, thank you for your consideration and I urge my colleagues to support House Concurrent Resolution 331.

I would ask that these materials be placed into the RECORD following my statement.

[From The Tribune, Nov. 14, 1989]

TIJUANA SEWAGE IS FLOWING FASTER, KILLING ESTUARY

(By Michael Richmond)

An increasing amount of raw sewage flowing across the border from Mexico is killing marine life and threatening birds in the Tijuana River estuary, according to a newly completed study of the huge saltwater marsh.

The increase is the result of the continued growth of Tijuana, where many neighborhoods are not hooked up to sewers. The sewage flow in the river now averages nearly 10 million gallons a day, up from about 7 million gallons a day two years ago, according to Dion McMicheaux, resident engineer here for the International Boundary and Water Commission.

A three-year federally funded study shows that the sewage-laden water flowing down the river has harmed game fish and shellfish in the saltwater marsh at the river's mouth. The marsh is a part of the 2,500-acre Tijuana River National Estuarine Reserve and the Tijuana Slough National Wildlife Refuge.

In recent years, the Tijuana River Valley has been beset with problems.

The beach stretching from the south city limits of Imperial Beach to the Mexican border, considered by some as one of the most beautiful in Southern California, is deserted most days, except for an occasional jogger or horse rider.

Among the area's troubles:

The two-mile beachfront has been under a health quarantine since 1983 because of sewage pollution from the Tijuana River. Sewage bacteria levels as much as five times the health limit have been measured in the ocean waters. Some surfers regularly ignore the warning, however.

The 390-acre Border Field State Park, nestled against the international boundary, was closed for four months in 1988 because of renegade sewage flows from Mexico, causing the closure from June to mid-September this year after it was overwhelmed with thousands of undocumented migrants and smugglers who used it as a staging area for their trips northward. The park was shut down without any public announcement and has just as quietly reopened, but only on Fridays, Saturdays and Sundays.

Biologists and other researchers studying the Tijuana River estuary and its ecosystem no longer do field work at night because of the danger from border bandits.

County health officials are worried about the potential for an outbreak of malaria or encephalitis from breeding of mosquitoes in sewage ponds that accumulate at times in

the river bottom. The water is ''heavily laden'' with mosquito larvae, says Larry Aker, assistant deputy director of the county's Environmental Health Services.

Some of the sewage settles out of the water as it makes its way through a maze of small channels that thread the estuary en route to the ocean.

''We are essentially killing off that estuary,'' Aker said.

A walk south from Imperial Beach along the beach at the edge of the estuary can be deceiving.

Ocean waves wash gently upon the sandy beach. A flock of seagulls with a lone brown pelican among them rest on a sandbar near the river mouth. To the south, two riders trot their horses along the beach.

The water flowing from the estuary outlet to the sea appears fairly clear, diluted by incoming tides.

But a quarter-mile inland from the beach, the scene is much different. In places, the water is like a pea-green soup, full of algae, said Chris Nordby, manager of the Pacific Estuarine Research Laboratory at San Diego State University.

It is also an area where there are no pollution sampling stations, ''because when I went in there to set up my samples, there just were no animals. There's absolutely nothing there,'' Nordby said.

Evidence of the extreme environmental damage to the estuary is contained in a just-completed study funded by the National Oceanic and Atmospheric Administration, which found significant depletions in some fish and shellfish species, such as clams. The study is based on water-quality testing and sampling of fish and shellfish from 1986 through March of 1989.

One small game fish known as Tops Smelt, which formerly accounted for 52 percent of the fish in the estuary, has fallen to about 5 percent, said Nordby, a biologist and principal researcher for the pollution study.

The California jacknife clam, which in years past accounted for 70 percent to 86 percent of the clam population, ''is now down to about 27 percent,'' Nordby said.

Another shellfish, the purple clam, is virtually extinct there.

''People used to clam here in the 1970s and take their limit, but not anymore,'' said Nordby, who has been studying the estuary since 1978.

Small sand dollars, once abundant, are rarely found these days, he said.

''Every now and then you'll find a small tiny one, but they don't survive like they used to,'' he said. The harm is caused by the year-round influx of polluted fresh water, which dilutes the salinity of the estuary, Nordby explained.

When that happens, marine organism are killed or escape from the estuary.

In addition to marine organisms, the estuary is home to dozens of bird species, including the endangered least tern and the light-footed clapper rail. The effects of the sewage pollution on bird life have not been documented, but Nordby and others believe there is potential for harm.

They note that a decline in the marine life on which birds feed will eventually reduce the bird populations.

Paul Jorgensen, manager of the Tijuana River National Estuarine Reserve, said extensive studies are needed to confirm the effects on birds. But he added, ''If the shellfish, crabs and fish are affected, then the birds probably are affected.''

Nordby and others worried about the wetlands are pinning their hopes for its recovery on construction of a binational sewage treatment plant that has been proposed for the border to treat sewage from Tijuana. The treated effluent would be discharged directly into the ocean through a big pipe.

But the binational plant is still a long way from being approved. Mexico and U.S. officials have made only preliminary commitments. Negotiations on a detailed agreement between the two countries are under way by the Mexican and U.S. commissioners of the International Boundary and Water Commission in El Paso, Texas.

Narendra N. Gunaji, head of the U.S. section of the international boundary commission, predicted earlier this year that the new plant could be in operation by 1993. That estimate, however, was tied to a firm commitment from Mexico that it would participate in the plant and on funding from both countries.

Without such a plant, the pollution woes of the Tijuana River Valley will only grow as Tijuana keeps growing, officials say.

''I think the federal, state and local governments have a responsibility to the people in the area to make sure that dream becomes a reality,'' said County Supervisor Brian Bilbray, a former Imperial Beach councilman and mayor who has spent his entire political career trying to resolve the Tijuana River Valley's troubles.

''The sewage problem has become bad enough that the Federal Government can't ignore it anymore,'' he said, ''We're going to find answers . . . because you just can't allow problems like that to exist.''

In addition to the border sewage plant, Bilbray said, development of the long-sought Tijuana River Valley Regional Park will help transform the river valley.

The county park will encompass 2,200 acres along both sides of the river, extending from the ocean eastward to San Ysidro. It has received $10 million in state park bond funds and two weeks ago was given another $1.5 million by the Tia Juana Valley County Water District, which apparently is about to shut down after a half-century in existence.

Bilbray has been critical of the Border Patrol and state and federal park and wildlife managers for past practices that he says have focused more on wildlife protection and keeping people out of the area.

He also criticized the Border Patrol for its ''scorched earth'' practice of clearing underbrush from large areas of the river channel to help them patrol the region.

''If you and I did that, we'd go to jail,'' Bilbray said.

As for development of the regional park, he said he believes that wildlife preservation and recreation in the river valley can be compatible ''if you do it right.''

Bilbray envisions miles of trails, small fishing lakes, campgrounds and other amenities.

''I'm real optimistic that we're seeing a lot of movement we haven't seen in 20 years,'' he said of efforts to solve the river valley's problems.

[From The Tribune, Jan. 26, 1990]

3 OFFICIALS HERE PLEDGE TO FIGHT SEWAGE PROJECT

(By Kathryn Balint)

Meeting the news media in the sewage-polluted Tijuana River Valley, two San Diego city councilmen and a county supervisor vowed yesterday to fight to save local sewer users at least $1 billion on a massive project they say would harm the environment.

''This is a fight we still can win,'' said Councilman Bruce Henderson.

Henderson, Councilman Bob Filner and Supervisor Brian Bilbray called a news conference yesterday to make it clear that their battle against San Diego city government's nearly $3 billion upgrade in sewage treatment is continuing.

In a closed-door session this week, the city council agreed in a 7–2 vote on a settlement of the federal government's lawsuit accusing the city of discharging inadequately treated sewage into the ocean. The vote, which was taken secretly because by law the council is allowed to discuss litigation in private, will end a two-year legal dispute between the city and the U.S. Environmental Protection Agency.

Henderson and Filner coast the dissenting votes.

Bilbray, Henderson and Filner said the city should not have caved in to the federal government by agreement to build the multibillion-dollar sewage facilities by Dec. 31, 2003. The agreement will be made public Tuesday in the U.S. District Court of Judge Rudi M. Brewster.

''That's disgraceful that we should make such a deal as this,'' Filner said. He called the planned sewage project ''a boondoggie'' that will be bad for the environment and for residents' pocketbooks. For the 1.6 million people who use the sewer system, sewer rates are expected to go up dramatically.

As they have in the past, Henderson, Filner and Bilbray based their comments on the opinions of noted marine scientists from the Scripps Institution of Oceanography in La Jolla.

The scientists, including Roger Revelle, director emeritus of the institution, and Edward Goldberg, a chemist known internationally for his work in fighting ocean pollution, contend that the nutrients in the waste water now disposed of in the ocean pose no hazard to sea life. In fact, they say, the lowest forms of life in the ocean feed on the nutrients in the sewage, which is treated to a step just below the federal standards.

The three politicians said they chose the Tijuana River Valley to illustrate their point that a sewage-treatment plant there, near a national estuary, where endangered birds and plants live, would hurt the environment. Anther reason they chose to meet near Border Field State Park in the river valley was to point out the raw sewage flowing daily from Mexico into the United States.

Bilbray said the EPA should be focusing its attention on cleaning up the raw sewage there rather than trying to force San Diegans to spend their money on a project that is unnecessary.

Bilbray also said that the city should be worrying about ''keeping the sewage in the pipes,'' referring to repeated spills of raw sewage from sewer pipes before it even reaches the Point Loma Wastewater Treatment Plant. The raw sewage has fouled both Mission Bay and San Diego Bay. One of the provisions of the settlements agreement is aimed at trying to prevent such spills.

The three politicians said they will lobby for changes in the Clean Water Act. The act sets a uniform sewage-treatment standard—called secondary sewage treatment—for all cities in the nation.

[The San Diego Union, Jan. 26, 1990]

SEWER PROJECT FOES MEET

Three local officials traveled to a proposed South Bay sewage-treatment plant site yesterday to continue their campaign to overturn what they called the city's ''bureaucratic boondoogle'' decision for a $2.86 billion sewage system upgrade.

San Diego City Councilman Bob Filner and County Supervisor Brian Bilbray, whose districts include the Tijuana estuary site proposed for the plant, were joined by San Diego City Councilman Bruce Henderson, an early critic of the massive sewage-system overhaul.

''This is a fight that we can still win,'' Henderson said at the site, just north of the entrance to Border Field State Park, on the coast between the international boundary and southern Imperial Beach city limits.

The three argued that the sewage-system upgrade would harm rather than help the environment. They called for more detailed scientific studies on the impacts to the Tijuana River estuary and ocean floor where the treated sewage would be discharged.

They want to begin efforts for a new waiver of federal orders for the more advanced treatment system, have congressional hearings to try to amend the requirements of the U.S. Clean Water Act, or mount a court challenge to the federal and state lawsuit filed to force the city into federal compliance.

[The San Diego Union, Tues., Nov. 13, 1990]

BILBRAY DIVERTS SMELLY RIVER WITH BULLDOZER; MAY HAVE VIOLATED LAW

(By Graciela Sevilla, Staff Writer)

San Ysidro—Sitting at the controls of a bulldozer, county Supervisor Brian Bilbray yesterday redirected the course of the sewage-infested Tijuana River—possibly violating a federal law.

Bilbray said he was fulfilling a promise to area residents to ease the stench and hazard posed by the blocked river, which had become a mosquito breeding ground.

Previously, the river flowed into a wall of willows that caused the water to back up and flood, surrounding farm and commercial properties, Bilbray said.

''When the water backs up and kills the willows, it creates a massive health problem for surrounding communities,'' he said.

By rechanneling the river to what he believes was its original course, Bilbray estimated that he helped reduce the area previously covered by sewage by as much as 30 percent.

The water now flows into Lake Tijuana, also known as Shelton Pond, which lies in the midst of the Nelson & Sloan concrete company's sand-mining operation just north of the Mexican border.

The river and land immediately banking on it are federal property, under the control of the International Boundary and Water Commission (IBWC).

According to Dion McMicheaux, a local project manager for the commission, Bilbray's action may be in violation of federal law that requires a permit from the Army Corps of Engineers when diverting federal waters.

However, Bilbray said he decided to take matters into his own hands out of frustration after working for two years to secure a permit to no avail. ''They can blame me if they find any fault involved in it,'' Bilbray said.

The supervisor asserted that he had the backing of local environmentalists and the County Health Department; although he said he acted on his own.

Legal or not, Bilbray's earthmoving was applauded by several nearby residents who said they could no longer tolerate the sewage, mosquito and health problems caused by the blocked river.

Ruben Marshall, owner of a vegetable farm located adjacent to the polluted river, said: ''The IBWC, in my estimation, has been very lax in addressing the problems of this area.''

Rosemary Nolan, a resident of Nestor who helped found the group Citizens Revolting Against Pollution, said she was grateful for Bilbray's intervention.

Nolan said her family and neighbors had suffered headaches, nausea, heartburn and other ills as a result of living near the contaminated river. ''I don't know which is worse, the mosquitoes or the smell,'' she said.

Last September, some 100 area residents gathered in Nolan's living room, where they started the group and aired their complaints before Bilbray.

''He told us that if the bureaucracy didn't do anything by October, then he'd get on a bulldozer and do something about it himself,'' she said.

Bilbray said he secured a dozer and began putting his words into action over the weekend. He refused to say where he obtained the bulldozer or whether he paid for it.

As a public official, Bilbray has gotten on the business end of a bulldozer once before in an attempt to do battle with Tijuana River sewage.

In June 1980, during his tenure as mayor of Imperial Beach, Bilbray drove an earthmover to create a dirt dam to stop river sewage from contaminating and closing his seaside community's beach.

Yesterday, Imperial Beach City Councilman Bud Harbin was also on hand to support Bilbray's latest effort.

''Every time our beach is quarantined because of pollution . . . this is where it comes from,'' said Harbin, standing near the edge of the thick, black waters. ''If this is deterred, it's going to help us down there. It's definitely a plus for the people here and the people of IB.''

[The San Diego Union, Feb. 16, 1991]

WARDENS QUIZ BILBRAY ON BULLDOZING OF DIKE

(By Frank Klimko)

County Supervisor Brain Bilbray was read his rights and questioned in his office yesterday by a pair of state game wardens who are investigating his bulldozing last year of an earthen dike along the Tijuana River channel.

In another development, the U.S. Army Corps of Engineers recently notified Bilbray they had finished their investigation of the Nov. 12 incident and asked him to consult with them before he takes any similar action in the future.

In a Feb. 1 letter to Bilbray, Corps officials said he violated environmental laws by not obtaining the necessary permits before bulldozing the dike. However, no penalties were being sought, the letter said.

Bilbray, atop a bulldozer last year, redirected the course of the sewage-infested Tijuana River, fulfilling a promise he made to area residents to ease the stench and hazard posed by the blocked waterway.

The game wardens visited his office yesterday, tape-recorded their meting after reading him his Miranda Rights, and then left, Bilbray said. Such a declaration of rights is normally given to criminal suspects just before they are arrested.

They told Bilbray they were investigating whether he violated any state fish and game laws and their findings would be turned over to the district attorney. It could not be determined what statutes Bilbray may be suspected of violating.

''I told them I would talk with them,'' Bilbray said. ''It does rattle me when someone does read me the Miranda Rights. I don't have anything to hide here, and I told them the facts.''

Bilbray said he bulldozed a dam that had been illegally erected, blocking the river. Two other such dikes are still in place near the same area, he said.

The river, which had become a breeding ground for mosquitoes, previously flowed into a wall of willows that caused the water to back up and flood, surrounding farm and commercial properties, he said.

By rechanneling the river to what he said was its original course, Bilbray estimated that he helped reduce the area previously covered by sewage by as much as 30 percent.

''The biggest problem that existed was because of the blockage, and my action was to remove an illegal structure that was constituting a health threat,'' Bilbray said.

The water now flows into Lake Tijuana, also known as Shelton Pond.

[The San Diego Union Jan. 1, 1991]

EMERGENCY SOUGHT ON POLLUTION—BILBRAY SEEKS FAST ACTION ON CLEANUP OF TIJUANA RIVER VALLEY

(By Graciela Sevilla)

The County Board of Supervisors will consider declaring a state of emergency next Tuesday to allow for the cleanup of the sewage-infested Tijuana River Valley.

Supervisor Brian Bilbray is recommending that the county join forces with Assemblyman Steve Peace, D–Chula Vista, to request that the governor issue an emergency proclamation releasing state funds and placing the cleanup on a fast track.

A declaration of emergency would override state regulations that have prevented the removal of the underbrush that causes the polluted waters to stagnate in the valley.

''The action really should be taken now to avoid the situation becoming a chronic problem in the summer,'' Bilbray said.

Area residents complain that the stench and mosquito swarms become intolerable during warm weather. The estimated 13 million gallons of contaminated water flowing daily from Mexico also poses grave health threats.

''Without significant preventive control measures, serious outbreaks of encephalitis and malaria will occur in this area,'' J. William Cox, director of the county Health Department, wrote last year.

Although local health officials have called the sewage-infestation ''a disaster waiting to happen,'' the county health officer cannot declare a public health emergency until someone becomes sick from exposure to the waste.

Timing is crucial because the river valley is home to several endangered species of birds that nest and migrate in the area during the spring and summer.

''If we wait, it becomes a choice between endangered species and public health,'' Bilbray said.

The county has yet to determine how much time or money it will take to clear out the dense underbrush. According to Peace, the Regional Water Quality Control Board has indicated a willingness to fund the project if the emergency is declared.

For his part, Bilbray is optimistic that San Diego will fare well with its bid for help from Sacramento once former San Diego Mayor Pete Wilson is inaugurated as governor.

''We have one big advantage in that the guy filling that office this month has got a very good background on this,'' Bilbray said.

[The San Diego Union, Fri., Jan. 4, 1991]

EMERGENCY DECREE MIGHT UNLOCK HELP FOR TIJUANA SEWAGE PROBLEM

(By Graciela Sevilla)

While county supervisors are poised to declare a state of emergency on the contaminated Tijuana River next week, just what would follow such an unprecedented action is being heavily debated.

County, state and federal officials are at loggerheads over who is to blame for the delay in attacking the chronic mosquito problem that a health official has called a ''disaster waiting to happen.''

''I think something should be done before you have sick people,'' said County Health Officer Donald Ramras. ''Sooner or later, if something isn't done we're going to have encephalitis or malaria down there transmitted by mosquitoes.''

About 13 million gallons of sewage a day flows from the eastern hills of Tijuana into the Tijuana River Valley. For years, the

South Bay residents have complained that the stench and mosquito swarms become intolerable during warm weather.

In recent months, the residents formed a group called Citizens Revolting Against Pollution to demand action from public officials.

Representatives from all involved agencies agree action is needed to solve the serious health threat to the estimated 400 families who live beside the sewage-plagued waters, but say there are significant hurdles to clear even if an emergency is declared.

First, a declaration of emergency is needed to release state funds to finance the clearing of the heavy vegetation that causes water to stagnate, enabling mosquitoes to breed.

At the urging of Assemblyman Steve Peace, D-Chula Vista, county Supervisor Brian Bilbray will ask his colleagues Tuesday to declare a state of emergency and to seek a similar declaration from the governor.

Until recently, the supervisors believed Ramras was the only county official with the authority to declare a public health emergency, something Ramras said he cannot legally do in this case.

A situation that has the potential for making people ill is not enough, he explained. ''Basically you've go to show that no only you have mosquitoes there but that they've actually given someone encephalitis.''

But Peace insists that Ramras can declare an emergency under state code, but has resisted doing so. ''It's been an emerging reality on my part that somewhere there's been a reluctance to work on the problem,'' Peace said.

Unsatisifed with Ramras' posture, Peace asked attorneys for the state Legislature to search for a way around the impasse. In November, he was informed that the California Emergency Services Act allows boards of supervisors to declare a local emergency.

If that's done, Peace said funds would be made available by the State Water Resources Control Board for removing the underbrush clogging the river and hampering its flow. A spokeswoman for the agency said the board would first have to vote to spend the money.

According to Peace, a governor's proclamation would suspend state statutes and state agency regulations that have hindered work efforts. However, federal agencies might still invoke environmental concerns to limit the project.

Depending on the scope of the proposal, which has yet to be defined, the project could require a permit from the Army Corps of Engineers, which must authorize any project that involves filling of wetlands.

The U.S. Fish and Wildlife Service would also evaluate the project to determine if it would irreparably harm the environmentally important area.

''Several state and federally listed endangered species inhabit the river valley,'' said Martin Kinney, a Fish and Wildlife biologist.

Streamside vegetation along the Tijuana River provides one of the rarest wildlife habitats in the state, Kenney said. In San Diego County, about two-thirds of such streamside areas were destroyed between 1970 and 1987, he said.

Thus far, Kenney said the county has not presented a proposal for removing brush. ''There's been constant talk about doing things, but no one wants to put anything on paper,'' he said.

''We get real defensive if they say there's an emergency when county health and everyone has known about this for a long time,'' the biologist said. ''Why do you wait till January 1991 and suddenly say there's an emergency when you've known about this for years?''

Despite the agency's concerns, Kenney said, joint planning of such a project could make the work possible while preventing serious harm to the environment. ''We're not trying to say no to everything.''

Last year, cattail plants were cleared by hand from a river valley pond after the agency revised health department plans to burn all the vegetation in the area, Kenney said.

Peace is quick to caution that even if the underbrush is removed, that will not permanently solve the problems of the contaminated river area.

''There are no cheap solutions,'' Peace said. ''The ultimate solution,'' in his estimation, will be the building of a new $195 million sewage treatment plant, still several years off.

In the interim, the International Boundary and Water Commission is working with the governments of the U.S. and Mexico to construct a pipeline that will divert errant Tijuana sewage into Sand Diego's sewer system for treatment.

That project, now being planned and built in Mexico, is due to be ready in February, according to José Valdez, the project's principal engineer.

[From the San Diego Tribune, June 4, 1991]

COUNTY MAY ACT TO EASE EFFECTS OF MEXICO SEWAGE

(By Ruth L. McKinnie)

A permanent solution to the Mexican sewage problem in the Tijuana River Valley may be years away, but a reduction in mosquito infestation and foul odor may be in sight.

County Supervisor Brian Bilbray and state Assemblyman Steve Peace, D-Rancho San Diego, are optimistic the county can use emergency powers to clear dense vegetation that causes sewage stagnation in the border-area valley.

The county Board of Supervisors will consider calling a local emergency when it meets Tuesday afternoon.

An estimated 13 million gallons of sewage flows daily through the valley, but a complex series of state and federal restrictions intended to protect the environment prevent the county from tearing out willows and cattails that dam the flow and further damage the environment.

The brush is habitat for several endangered birds, including the least Bell's vireo and least tern.

A local emergency declaration would clear the way for Gov.-elect Pete Wilson to call a state-level emergency and suspend the environmental strictures, Bilbray said.

Bilbray and Peace said Wilson, who is familiar with the sewage problem from his years as mayor of San Diego, would likely sign an emergency proclamation.

In the meantime, disease-carrying mosquitoes known to bear encephalitis, malaria and hepatitis continue to plague residents of Nestor and other parts of the valley.

And the wildlife and vegetation that the environmental laws are supposed to protect are being destroyed, Peace said.

''If you continue to do nothing, we're going to have a hot crisis,'' he said.

Bilbray said the county cannot afford to wait months to secure clearing permits. The removal must be done now, before the birds return form their winter migration.

[From the San Diego Union, Jan. 9, 1991]

COUNTY TO ASK WILSON'S HELP ON TIJUANA SEWAGE

(By Graciela Sevilla)

The county Board of Supervisors will look to the new governor for help in abating the ''extreme peril'' posed by the contamination of the Tijuana River Valley with raw sewage from Mexico.

In a unanimous vote yesterday, the board declared a state of emergency to exist in the South San Diego area, which is flooded with an estimated 13 million gallons in raw waste daily from across the border.

The declaration will be forwarded to Gov. Wilson with a request that he issue a similar proclamation and seek a presidential declaration of emergency.

Supervisor Brian Bilbray said he offered the resolution in response to pleas for relief from some of the area's 400 residents who have lived with a terrible stench and mosquito swarms as a result of the polluted waters.

''It's been reaching a crisis level in the last few years,'' Bilbray said.

Valley resident Rosemary Nolan, praising the action, said: ''We hope that by declaring an emergency we can start on the road to recovery for the South Bay community.''

Last week, County Health Officer Donald Ramras characterized the problem as ''a disaster waiting to happen'' and warned that residents were at risk of being infected with malaria and encephalitis by mosquitoes.

Following the vote yesterday, Bilbray said he is optimistic about winning Wilson's support because of the former mayor's familiarity with the situation.

''I have worked with Pete Wilson on this program since 1979,'' Bilbray said. A gubernatorial declaration would release needed state funds and suspend state regulations that have stymied plans to remove the heavy underbrush that causes the contaminated waters to stagnate.

The state water board has approximately $3.5 million in its cleanup abatement fund, some of which could be spent on the Tijuana River Valley, according to a spokeswoman for Assembly Steve Peace, D–Chula Vista.

A letter petitioning Wilson will be mailed by the end of the week, Bilbray said, adding, ''We could expect an answer by the end of the month.''

Thus far, the cost of the weed removal has not been calculated, nor has a decision been reached on which agency would be responsible for the work.

In lobbying for the declaration, Bilbray cautioned the audience not to look at the proposed cleanup as a final solution. ''This will not cure the problem, but it is one more thing we can do here at the country,'' Bilbray said.

At the federal level, agreement has been reached between the governments of Mexico and the United States to build a new $195 million sewage treatment plant. That facility is not expected to be in operation until 1995.

In the interim, the International Boundary and Water Commission is working on a binational plan to construct a pipeline to intercept the errant Tijuana sewage and transfer it into the San Diego sewer system for treatment.

[From the Star News, Jan. 9, 1991]

BILBRAY SAYS STATE OF EMERGENCY NEEDED TO DEAL WITH RAW SEWAGE

Supervisor Brian Bilbray wants the governor to declare a local state of emergency to deal with raw sewage in the Tijuana River Valley, his office recently announced.

Bilbray is trying to convince the County Board of Supervisors to ask the governor to declare the emergency suspending certain laws, and regulations in the emergency area.

Suspended along with those laws would be ''presumably, those which prohibit or delay the removal of dense underbrush in the valley,'' Bilbray said in a letter to fellow supervisors. That underbrush hinders efforts to control mosquitoes that pose not only an annoyance but also a health hazard because they carry encephalitis and malaria.

Bilbray is seeking action this winter to control the mosquitoes breeding in the

spring and summer and to protect environmentally sensitive conditions in the valley.

[From the San Diego Tribune, Jan. 9, 1991]

HEALTH CRISIS DECLARED OVER SOUTH BAY SEWAGE

(By Ruth L. McKinnie)

Optimistic county officials say they hope that relief from pesky mosquitoes and foul odors in the sewage-plagued Tijuana River Valley is a month away.

The Board of Supervisors yesterday unanimously proclaimed a local health emergency in the border-area valley in hopes of getting emergency powers from the state to immediately clear away dense vegetation that causes sewage stagnation.

Supervisor Brian Bilbray, who represents the South Bay, said that this week the county would ask Gov. Wilson to call a state-level emergency and suspend environmental restrictions preventing the county from tearing out willows and cattails that dam the sewage flow.

An estimated 13 million gallons of Mexican sewage flows daily through the valley. Residents have long complained about the problem, but a permanent solution is years away.

Last summer, the mosquito infestation became so acute that residents could not go outside without being attacked by the insects, which can transmit encephalitis, malaria and hepatitis.

''It is reaching a crisis level,'' Bilbray said.

The supervisor and Assemblyman Steve Peace, D–Rancho San Diego, who have been pushing for emergency measures, say money is available from the state Regional Water Quality Control Board to pay cleanup costs.

The county, Bilbray said, cannot wait months to get permits to clear away the plants. He said the removal must begin soon, before endangered birds that nest in the valley return from their winter migration.

WILSON MAY DECLARE CRISIS IN SOUTH BAY

(By Ron Roach)

SACRAMENTO—The state Assembly yesterday voted to urge Gov. Wilson to declare a state of emergency in the Tijuana River Valley to eradicate mosquitoes and deal with sewage-polluted water.

A spokesman said Wilson, who is a former San Diego mayor, is considering the request.

Minutes before Wilson's State of the State address to the Legislature yesterday afternoon, Assemblyman Steve Peace, D–Rancho San Diego, and Assemblywoman Dede Alpert, D–Del Mar, won approval of the Assembly resolution, which follows Tuesday's San Diego County supervisors' declaration of a local health emergency in the border-area valley.

Peace represents the border area and Alpert's coastal district includes Imperial Beach.

Peace said he discussed the resolution with Bob White, Wilson's chief of staff, and ''was very encouraged by his response. he said it would be great to start off with something for San Diego'' in the first week of Wilson's administration.

James Lee, Wilson's deputy press secretary, said Wilson would ''take a look'' at the problem but said ''there was no positive go-ahead signal.''

A state declaration would make funds available from the state Regional Water Quality Control Board to bulldoze a buffer area, kill mosquitoes and clear away dense willows and cattails that cause sewage-polluted water to pool in the riverbed, Peace said.

It is important, said Peace, that work start while the weather is cool, before the insects can multiply. Otherwise, there could be threats of malaria, encephalitis and hepatitis, he said.

Peace said he and Supervisor Brian Bilbray and pushed the county to act for almost a year. Normally, a county's board of supervisors must make an official request documenting the problem before a governor makes a disaster or emergency declaration.

[From the Los Angeles Times, Jan. 1991]

TIJUANA RIVER VALLEY MAY GET EMERGENCY STATUS ON SEWAGE

(By Bernice Hirabayashi)

Gov. Pete Wilson was considering Thursday whether to declare a state of emergency for the sewage-plagued Tijuana River Valley in south San Diego County, state officials said.

The declaration would make state funds available to clean up the border valley, through which 13 million gallons of raw sewage from Mexico flow daily. It would also speed the permit process that would allow removal of cattails and willows restricting the flow of sewage to the ocean.

Assemblyman Steve Peace (D–Rancho San Diego) released a statement saying he spoke with Bob White, Wilson's chief of staff, Wednesday morning and ''was very encouraged by his response.''

The Assembly threw its support behind the cleanup effort Wednesday by passing a house resolution urging Wilson to call a state of emergency for the area.

The action was the first to be taken by the Legislature this year, and came a day after the County Board of Supervisors declared a local emergency for the area, prompted by concerns that the summer would bring a repeat of last year's unusually large swarms of mosquitoes, which thrive in stagnant pools of sewage in the valley. The mosquitoes from the foul-smelling sewage can transmit encephalitis, malaria and hepatitis to humans.

Money for the cleanup is available from the state Regional Water Quality Control Board, said David Takashima, Peace's chief of staff. The governor's discretionary funds, set aside for economic uncertainty, could also be used for an emergency cleanup.

The county hopes to construct a channel that would keep the sewage moving out to sea instead of forming stagnant pools, said John Woodard, chief of staff for county Supervisor Brian Bilbray, who represents the area and has been pushing for emergency status along with Peace for a year.

A bird on the federal endangered species list, the least, Bell's vireo, nests in several of the valley's marshes between fall and spring, so any work done in the valley requires permission from the U.S. Fish and Wildlife Service and should be kept to the winter months, Woodward said.

[From the Tribune, Mar. 5, 1991]

ILLEGALS CROSS SEWAGE RIVER—AND FEDS IGNORE BOTH PROBLEMS

In a near-disaster filled with symbolism and irony for San Diego, a group of undocumented immigrants crossing the border illegally got caught in the sewage-laden floodwaters of the Tijuana River during last week's storm.

Two floods met—a flood of immigrants and the flood of sewage. Fortunately, San Diego firefighters and lifeguards rescued the stranded immigrants.

San Diego did its job even though both issues are federal responsibility. But because there is little interest or understanding in Washington, D.C., about the nation's southwestern border, San Diego is left alone to try to cope.

The federal government has agreed to help build a sewage plant in the Tijuana River Valley to help clean up that fetid estuary fed by millions of gallons of raw sewage every day. But the plant won't be ready for at least five or six years. Until then, the feds have no plans to help clean up the sewage, which could breed encephalitis-carrying mosquitoes.

The county Board of Supervisors has asked Gov. Wilson for emergency funds to clean up the Tijuana River, but there has been no response from Sacramento.

As for illegal immigration, inaction by the federal government has kept pace with the rising migration from Mexico. Congress passed an immigration reform package last year, and everyone in Washington cheered. Unfortunately, the bill did absolutely nothing to solve the anarchy on our border.

The county and city get no federal or state money to help pay for the burden of illegal immigration. And we've received only a pittance to defray costs of services for hundreds of thousands of legal immigrants here who received amnesty under the 1986 Immigration Reform Act.

San Diego is simply stuck with two serious problems not of our making and far beyond our limited resources to handle. Is anyone out there listening?

[From the San Diego Union, Mar. 15, 1991]

STATE TO PAY TO TREAT TJ SEWAGE

(By Daniel C. Carson and Graciela Sevilla)

Sacramento—Gov. Wilson today will announce he has signed a declaration of emergency for San Diego County and is taking other actions to help the border region cope with raw sewage contaminating the Tijuana River, sources say.

Wilson will be directing the state Water Resources Control Board to release $860,000 to pay the first-year cost of treating the Tijuana River sewage at San Diego's Point Loma sewage plant, sources say.

This sets an important precedent, because the cost of treating border on sewer-system ratepayers in the city of San Diego, sources say.

Wilson's moves come in response to a resolution passed unanimously by the San Diego County Board of Supervisors on Jan. 8 requesting the emergency decree and financial assistance in stemming the sewage flows from Mexico.

In winter months, an estimated 13 million gallons in raw waste from the eastern hills of Tijuana pours into the river each day.

The U.S. and Mexican governments, in cooperation with the city of San Diego and the state, are building a new $195 million sewage treatment plant in the South Bay that would capture and clean up the sewage flows. However, that plant is not expected to begin operation before 1995.

In the interim, the U.S. International Boundary and Water Commission is working on a plan to construct a pipeline to intercept the flows and transfer them to the Point Loma plant for treatment.

The gubernatorial proclamation of a state of emergency finds that ''conditions of extreme peril to the safety of persons and property exist within the county of San Diego.''

Word of the decree cheered Ruben D. Marshall, a farmer who has worked the land near the river for 15 years.

''We've been through so much hell down here. It has just been one nightmare,'' Marshall said.

County Supervisor Brian Bilbray, who as mayor of Imperial Beach during the 1970s worked on the Tijuana sewage problem with Wilson—then San Diego's mayor, said Wilson's actions signal a new state commitment to solving a long-standing public health threat.

[From the San Diego Tribune, Mar. 15, 1991]

WILSON DECLARES SEWAGE EMERGENCY

(By Ron Roach)

Responding to the environmental crisis posed by sewage flowing north from Tijuana,

Gov. Wilson today declared a state of emergency in San Diego County and urged a state board to provide $860,000 to help clean up the mess.

''The raw sewage flowing across the border creates an extreme peril to people living and working in the area of the Tijuana River estuary,'' said Wilson, who also called for help from federal agencies.

The Republican governor, a former mayor of San Diego and former U.S. senator from California, was scheduled to discuss his action at a news conference today at Imperial Beach City Hall.

The San Diego County Board of Supervisors voted Jan. 10 to declare the county a disaster area and seek a state declaration of emergency.

The United States and Mexico have agreed to build a treatment plant north of the border to deal with the daily problem of millions of gallons of Tijuana sewage, but the plant will not be completed until 1995.

San Diego city government has agreed to divert the sewage to its Point Loma plant, Wilson said, because of the need to move quickly and resolve a public health threat caused by an estimated 13 million gallons of sewage daily. The diversion project, costing $860,000 a year, is expected to start in April, the governor said.

In a letter to Don Maughan, chairman of the State Water Resources Control Board, the governor urged the board to, at its March 21 meeting, approve $860,000 from the state Cleanup and Abatement Fund as first-year costs of sewage treatment. Although it is a state agency, the board is independent from the governor's authority.

Wilson also wrote to U.S. Secretary of State James Baker, seeking help with his request that the International Boundary and Water Commission provide treatment funds for the city for the interim years, 1992 to 1995, or until the international facility is operating.

Writing to Baker, Wilson said: ''The City of San Diego is unable nor should it be expected to bear these costs. Commission or federal government funds should be provided to San Diego to cover costs for interim treatment after the first year.''

The governor wrote a third letter, to U.S. Interior Secretary Manuel Lujan, urging Lujan to direct the U.S. Fish and Wildlife Service to help San Diego County divert sewage flows by clearing brush along the Tijuana River to allow for more effective use of insecticide to kill mosquitoes.

Wilson said diverting sewage will reduce dry weather flows in the channel, but mosquito problems will remain during wet weather and possibly in standing pools at various times.

''To fully alleviate the mosquito and sewage problems, the city and county of San Diego believe it will be necessary to perform minor channeling and brush clearing in specific areas,'' Wilson told Lujan.

While there is a government duty to protect the nation's wetlands, Wilson said in the letter to Lujan:

''We must not lose sight of the fact . . . that the wetlands in question exist today because of raw-sewage flows. Even raising the question of mitigations and offsets in this case—as has been done by Fish and Wildlife Service—goes well beyond the concept of sound environmental management. Our focus clearly must be on protecting the public's health and safety, by removing their exposure to raw sewage and the attendant mosquito problem it has created.''

[From the San Diego Union, Mar. 16, 1991]

BORDER BREATHES SIGH OF RELIEF AS WILSON ACTS ON TIJUANA SEWAGE

(By Dwight C. Daniels)

Imperial Beach—Jeanie Gomez breathed a sign of relief yesterday as Gov. Wilson announced his move to combat the 13 million gallons of Mexican sewage that flow daily into the dank and brackish Tijuana River estuary near here.

Wilson's declaration of a state of emergency will serve as a tool to get around international entanglements and federal and state regulations to solve the effluent problem.

The governor's action directs the Water Resources Control Board to release $860,000 to finance first-year costs of treating the diverted effluent at the Point Loma sewage-treatment plant.

''We've got people who have been unable to act, it seems, because they were restrained by regulations and even by law,'' the governor said, calling the raw sewage ''an extreme peril to people living and working in the area.''

He said he also sent a letter to Interior Secretary Manual Lujan to ask for his intervention with U.S. Fish and Game authorities to ''allow early action by the county . . . to deal with this problem.''

The governor's action was good news to Gomez and the families who live in more than 400 homes that border the estuary, which Wilson toured before his midmorning news conference. The sewage has long caused county health officials to voice concerns about possible water-borne diseases.

State and local officials echoed that relief after the announcement, with county Supervisor Brian Bilbray and Assemblyman Steve Peace, D-Chula Vista, leading the chorus.

Bilbray—who repeatedly has risked breaking state laws by using a bulldozer to rechannel or block effluent in the estuary—said the governor ''has the guts to take this issue head-on when others would only talk.''

Peace pointed out that Wilson overruled advice of key staffers to take the move, which is seen as a precedent because the full cost of sewage treatment has previously fallen on San Diego ratepayers.

The actions came after a unanimous vote by county supervisors Jan. 8 requesting an emergency decree and financial assistance.

The governor's actions included a letter to U.S. Secretary of State James A. Baker that urges the State Department to intercede with the International Boundary and Water Commission to fund the remaining years of work to build the $195 million U.S./Mexican sewage-treatment facility set to be completed in 1995.

Rosemary Nolan, president of the Citizens Revolting Against Pollution, a grass-roots coalition long involved in advocating a solution to solve the sewage quandary, stood at Wilson's side as he made the announcement.

CONGRESSMAN BILBRAY'S STATEMENT FOR THE OPENING OF THE SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

San Diego, CA—The following is a text of Congressman Brian Bilbray's (R–CA) remarks during the opening ceremony of the South Bay International Wastewater Treatment Plant:

''It gives me great satisfaction to be here to participate in this event today. A great deal of blood, sweat, and tears has been invested in the engineering showpiece we are here to celebrate, and I'm not even talking about the actual construction of the project. All of you who have been and remain closely involved with the implementation of this process, and there are too many to mention by name, know what I'm talking about. You all have earned a great pat on the back, and you're all to be commended for helping to get us this far. It is my great hope that we can continue to set aside what policy differences some of us may have, and focus on the bottom line that we all share—that is putting our money where our mouths are, walking the walk and not just talking the talk, and working together to establish functioning public health strategies that will keep our children healthy and our beaches open.''

''It is a testimony to the magnitude of this project that we have such a strong and diverse alliance here today to mark its opening. Mayor Golding and I have been working on the border pollution problem for longer than either of us care to remember. Bob Filner and I have, with one or two notable exceptions, been able to work together so well on the pollution issue that we've managed to earn the scorn of our more strident and partisan colleagues in *both* parties. And all the dignitaries with us up here today have done so much of the heavy lifting that I will leave the telling of it to them.''

''With EPA, well, most of you know that I've done battle with EPA in the past on other issues. But I've said from day one, when EPA is right, I'll be in their corner; when they aren't, then they'll hear from me. I think EPA, like the other groups and individuals here today who care about the South Bay, has during this process learned the value of soliciting public input, listening to people's concerns, and incorporating them into the final analysis. Without these basic building blocks, without talking to the man and woman on the street, all the finest Agency planning in the world counts for nothing. This goes both ways—those who choose to roll up their sleeves and participate in a constructive manner in the planning and implementation process will earn the credibility of their neighbors and their peers, whether or not they agree 100%. Those who prefer to set up obstacles to progress risk losing their own credibility, if the greater good suffers as a result.''

''And this treatment plant is clearly devoted to serving the public good.''

''And so it goes forward from today—we must be guided both by the people and by the science as it applies to the South Bay. We must all be prepared—President Clinton, his departments and agencies, Congress, and the communities—to move forward with the next step. In order to provide the needed level of protection to the public health, the environment, and our ocean resources, we must especially be led by sound science.''

''I have put my colleagues in the House of Representatives on notice from Day One, and will be working in the months to come to educate them to the threat which this facility, and its future components, will help allay. The Administration is well aware of the lengths to which I'm prepared to go—I will do whatever is necessary to provide the appropriate and required level of treatment at this facility. As it now stands, the Clean Water Act requires certain standards be met to protect the public health, and I expect nothing less than a full commitment to this from the federal government—it has entered into a pact with the people which must be kept.''

''For too long, it was easy to make excuses and hold these border issues at arms length; there were other priorities, other needs, and the border was far away—someone else's problem. Now, we've thrown a rock through the proverbial window, and served out notice that the time for excuses has long passed. We have accomplished a great deal with the official opening of this facility today, but we aren't done yet. I look forward to continued cooperation and productivity in ensuring that we can have another ceremony, not too long from now, to celebrate the fact that this plant is operating at the level it needs to be to protect our communities and our oceans.''

''Thank you.''

Mr. LUTHER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise reluctantly to oppose this measure this evening. I thank the chairman of the committee for his outline of the situation. He is correct. The situation is as he described, as someone who represents the adjacent district to the gentleman from California (Mr. BILBRAY) and whose district has that sewage flowing through it to Mr. BILBRAY's. And I thank him for his attention to it, and what I heard was his commitment to resolve it.

And when I say reluctantly, I say that to my friend, the gentleman from California (Mr. BILBRAY) because my colleagues should know that there have not been probably two people who have worked more closely or, I think, more effectively to resolve this issue over the last decade than the gentleman from California (Mr. BILBRAY) and myself. He was a county supervisor before he became a Member of Congress. I was a city councilman. Our districts completely interlocked, and we worked hand in hand to address this issue, and we had success. Nobody has made more progress over the last decade than we were able to do working together, working together in local government, working together in the Congress, working together with Mexico.

We have seen the building of the international wastewater treatment plant which, when the out fall is completed by the end of November, we will open and go a long way toward resolving that problem. And that treatment plant was built in San Diego with the cooperation of Mexico and the City of Tijuana and the State of Baja. So the gentleman knows that we have worked hand in hand on these issues.

I agree with the gentleman from California (Mr. BILBRAY) when he says he wants a forum to educate Congress and he wants to raise awareness, and we are doing that, but this is the wrong way to complete that job. It is only a sense of Congress, as the gentleman pointed out. It is not legally binding. So there is not much effect if it does pass.

The language that the gentleman from California (Mr. BILBRAY) uses threatens sanctions with Mexico. It implies that we are going to look at loan guarantees and foreign aid. I will tell the gentleman, though, even if we eliminated the foreign aid, direct foreign assistance to Mexico, tomorrow, it constitutes less than 0.001 percent of our total trade. So I am not sure what effect it has in the real world, except the way Mexico and its officials take it and how they will react in the kinds of discussions that we have participated in for over a decade, and I am sure we will be continuing to participate in in the next decade.

The resolution of the gentleman does nothing to clean up the pollution and the sewage that he so eloquently describes. It is a real problem for the gentleman's constituents, for my constituents. That is why we have worked together to develop infrastructure. That is why NAD Bank recently granted $16 million to develop a parallel sewage conveyance system and to help Tijuana upgrade its sewage treatment plant.

That is why as I have a letter here from the commissioner of the International Boundary and Water Commission, Mr. Bernal, who we both know very well, who is reporting on an agreement on the Mexicali II project that was just executed. Mexicali working with both countries have put in the money for a wastewater system capacity for the city of Mexicali for a pump station and wastewater treatment plant. The U.S. is providing 55 percent; Mexico 45 percent. I think that is the kind of cooperation that we need.

The problem is real. We have heard it. The answer is cooperation, not threats, not sanctions. We have made great progress. The gentleman knows that. The gentleman is one of the chief architects of that cooperation. Let us not put that cooperation in jeopardy.

The administration, the State Department, opposes this bill. The Mexican Government opposes the bill. I would say to the gentleman from California (Mr. BILBRAY) we have correspondence from the embassy and our good friend the consul in San Diego wondering why, after just having attended meetings with him, the gentleman has taken a position which seems to be very hostile. It puts people in a very difficult situation when we try and negotiate agreements all across our border.

So I rise reluctantly because the gentleman and I have worked for so long together on these issues and I look forward to working with the gentleman over the next years on these to solve them but let us work with a cooperative tone and not a tone that threatens sanctions.

Mr. GILMAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I want to respond to my colleague from California (Mr. FILNER) and point out that on environmental issues we should never threaten, but we should also never be afraid to hold people to standards. We should just be cooperative. Frankly, let us recognize about this, is that we have to date been very cooperative.

The fact is, Mexico City and Washington, D.C. have not been as sensitive to the problem. As my colleague has pointed out, we have built a lot of projects, but the beaches are still polluted.

A $2 million project for a pipeline by itself does not make the beaches any cleaner and does not make the public any safer. Let me point out to my colleague, he may not be aware of the meeting we had this August, but I participated in that meeting. Showing the lack of sensitivity we can get on both sides, we still have 9 million gallons of drinking water pouring into raw sewage, spreading the pollution more onto Mexico's side.

The word I have gotten on this is that the resources and the commitment by Mexico City has been lacking. The frustration of the people in Tijuana is that Mexico City needs to be more aware of this. I appreciate the fact that the gentleman participated in this discussion, because the International Boundary and Water commissioner mentioned by the gentleman from California (Mr. FILNER) has this week delivered this sense of Congress to Mexico City. So hopefully it will tell everybody—let us work together.

Let me point out that my reference to reviewing treaties and existing commitments may not necessarily mean reductions, but may also mean increases in resources under existing relationships. But it does mean that we will look at this substantially.

I challenge my colleagues again to say that outcome does not matter here. All I am saying is, all the treatment plants, all the talk, all the negotiations, all of the relationships are fabulous, but if they do not make the environment safe for the children of Tijuana and San Diego and Imperial Beach, then all we are is a bunch of diplomats and politicians sitting around talking, patting ourselves on the back while our children are exposed to hepatitis, and God knows what else.

Mr. Speaker, I would ask my colleagues to consider that and consider the kids that continue to be exposed. All I am asking is a sense of Congress that says this is important enough for us to review everything and let us talk about it, let us look it over. Let us set the standard that ending pollution is what we care about, not just the building of projects.

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from Minnesota (Mr. LUTHER) has 13½ minutes remaining. The gentleman from New York (Mr. GILMAN) has 5½ minutes remaining.

Mr. LUTHER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

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

Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the resolution that is before us. The problems do exist in Tijuana but they also exist along the entire length of the U.S.-Mexican border, including my south Texas district. I represent probably the next largest sector next to one additional Congressman in Texas. I want my colleagues to know that I have problems also with potable water. I have problems with sewage. I have problems with Third World conditions and I am not talking about Mexico; I am talking about the United States.

We also have an obligation to make sure that our cities have appropriate sewage plants, and we do not.

□ 2215

We are having a serious problem. I recognize that the efforts that are being made, and hopefully this will be an opportunity to bring to light what occurs in the area. But if anyone has received most of the NAD Bank money it has been Tijuana and not south Texas where we are suffering also for some of those same conditions.

At this time is not the time to start pointing fingers at Mexico. We need to look at ourselves and what we are also doing to the river, what we are also doing to the environment, and in the way we are also allowing Maquilladoras to go across the border and create part that have pollution.

This resolution is a heavy-handed, counterproductive approach that could set back existing cooperations with Mexico to deal with serious environmental issues along the entire border. I would attest to my colleagues that Mexico is making a sincere effort at moving in some of those areas, just like we are trying to do.

I am frustrated because I recognize that my communities do not have the resources. I need 30 million in 1 little community, and I am talking again about the U.S. I am not talking about Mexico that requires some money for potable water.

So, as I indicated to my colleagues, I do represent constituents on the U.S.-Mexico in south Texas who are facing pressing environmental problems on both sides of the border.

Through the International Boundary Water Commission, the Border Environmental Cooperation Commission, and the NAD Bank, we are working to solve some of these problems. I know it is going to take a long time.

I am hoping that the U.S. provides assistance to those Third World conditions that exist in the United States, and that we should take the initiative, and we should set the example, also, before we start to throwing stones across the river.

The Board of environmental Cooperation Commission has approved 24 environmental projects on both sides of the border with 14 in construction phase and eight pending construction. For every dollar we appropriate to the Board of Environmental Cooperation Commission, Mexico has been matching that. Do we want to jeopardize that ongoing projects? I do not think so.

Sure, three or more problems are delayed with these projects, but the bottom line is this particular resolution will not solve those existing problems that we have there, and we need to begin to work cooperatively as we move forward.

I want to also emphasize that the U.S. Department of State has indicated that they oppose this effort and that this is not the way of going about making things happen. I would ask that, as we move forward, that we look at that infrastructure that needs to be developed.

I would also attest to my colleagues that we have got to be careful when we do that. We are right now at the verge of putting a waste site which is nuclear and right on the Sierra Blanca, right on the border. That has direct impact. Mexico has protested the fact because it violates certain other treaties.

When my colleagues talk about the language on their particular, it does talk about treaties. What are we talking about? Look at all the treaties that we have had with Mexico ever since. Are we going to go back to the treaty of Guadalupe Hidalgo.

I think we need to be realistic about some of these items. I think we need to really look at the problems. But it does give us an opportunity to hold our own government accountable for Third World conditions that exist in the border.

I am hoping that, if nothing else, this issue allows us an opportunity to look at that. But I would also ask my colleagues to vote against this effort. I want to thank the gentleman from Minnesota (Mr. LUTHER) for allowing me this opportunity to say a few words. I ask my colleagues to vote no.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX), a member of our committee.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to rise in support of H.Con.Res. 331, the legislation introduced by the gentleman from California (Mr. BILBRAY).

Certainly this is the kind of legislation that is positive. It is going to bring forth, hopefully, the kind of environmental improvement that is much needed in California.

The flow of sewage from Tijuana has forced the beach closures. Certainly by bringing this problem to the attention of the Mexican government does not in any way jeopardize our relationship with them. We have a very close relationship with Mexico, working together with them on port access, loan guarantees, foreign aid. We have a very close relationship.

However, we need to work jointly on this problem, and we will, because this just highlights the need of, frankly, the White House, I am sure working with Congress, can take the leadership of the gentleman from California (Mr. BILBRAY) and others, bring up how we need to solve this issue.

The gentleman from Texas (Mr. RODRIGUEZ) raises a very important point about the problems we have in Texas. That does not mean we should not work on the problem with Texas; but this resolution deals with Mexico, and we need to a make sure that we work on this particular resolution now, and we will deal with Texas next. That does not mean we should forsake one for the other.

I frankly feel that the gentleman from California (Mr. BILBRAY) has, for a long time, brought to our attention, Mr. Speaker, the importance of environmental protection, the importance of saving our beaches and making sure the air and water are pure. I have to compliment him on bringing this issue forward and making sure we deal with it in a sensitive matter.

This resolution, frankly, only advances that inquiry, brings us toward a solution, and we should support H. Con. Res. 331 in a bipartisan fashion.

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from Minnesota (Mr. LUTHER) has 9½ minutes remaining. The gentleman from New York (Mr. GILMAN) has 3½ minutes remaining.

Mr. GILMAN. Mr. Speaker, we have the right to close, I believe, in which case, we suggest the gentleman go ahead. We have only one more speaker.

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

Mr. LUTHER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I would like to thank the gentleman for yielding and for being here at this late hour managing this bill along with the chairman and my other colleagues who have taken the time to speak on this matter.

Let me also thank my colleague and friend, the gentleman from San Diego, California (Mr. BILBRAY), for raising this issue. But, unfortunately, I must disagree with the way he has done this.

As the gentleman from California (Mr. BILBRAY) said, this is only a sense of Congress. This bill will not have any practical legal affect on our laws and how we conduct our affairs, at least not immediately.

It is, in essence, a message bill. Unfortunately, the message it sends is not that this is just a sense of Congress that there is a problem between our two countries of Mexico and the U.S. along our borders, but it sends a different message. The message that will be received, not here, but in Mexico will be one of threats.

While the gentleman from California (Mr. BILBRAY) raises a very important point that we must take care of our environmental matters between two sovereign nations, in this case, our country and the country of Mexico, I do not believe that anyone south of the border reading this sense of Congress would believe that this is a cooperative, collaborative approach to resolving the problems that are disturbing the folks in San Diego.

Let us make it clear, the folks in San Diego have every right to be concerned. The folks in Tijuana, Mexico have every right to be concerned. But what we should not do is say that we will unilaterally take action if we do not believe the Mexican government and the Tijuana government have done enough to resolve this problem.

That is what we are faced with in this sense of Congress, which will have no immediate legal effect. It is a message bill. But the message it sends is that we are doing this today. The message we may get back from the Mexican government and the Tijuana government is, tomorrow we will do something similar.

Let me give my colleagues an example. For many decades, the Mexican public, the Mexican government has complained that the U.S. Government allows its people, its State governments, and local governments to extract too much water from the Colorado River, the best of the Colorado River; and also that our people, our governments, our industry is depositing too much into the Colorado River, which is not good. So that by the time the Colorado River crosses the southern border and gets into Mexico, what they have left of a very rich vibrant river is not much. They say you, U.S., you should be doing more about this. They have been saying this for decades.

Would we want to see a resolution from the Mexican government that says they unilaterally are sending us a sense of their Mexican Congress that the U.S. has not done enough, and because it has not done enough, then the Mexican government can unilaterally start reviewing all its treaties, all its agreements with our country that it has signed?

I do not believe we would take kindly to that, because we would say we are trying. I do not believe anybody thinks that the U.S. Government and its people are trying to give Mexico polluted, unusable, nonpotable water. But the Mexican government and the Mexican people probably would say, well, you may not believe it to be the case, but what we see is much different.

Let me give my colleagues another example. Recently this Congress voted, this year this Congress voted, as the gentleman from Texas (Mr. RODRIGUEZ) mentioned, voted to site a hazardous waste deposit site along the Texas Mexico border, the Sierra Blanca site in Texas.

The Mexican government protested to the U.S. Government and to the State governments of the States involved that would be depositing this hazardous waste along the border that this was unjust, it was unfair, that much of the hazardous waste would migrate at the end into Mexican territory and affect the lives of Mexican people.

They also pointed out, as we here pointed out, that this hazardous site is on top of an existing earthquake fault. And if ruptures as a result of any earth quake would occur, that could expose many people, Mexican and U.S. individuals, to the effects of this hazardous waste.

All of that is to say this, we all have examples of how our governments, our peoples perhaps are not working in the fashion that the other people and the other government would like to see. What we should be doing is what we have done, and in the case of this particular environmental problem in and around Tijuana, the two governments have done, and they have worked cooperatively.

Mexico and the U.S. have been working cooperatively for a number of years on the South International Wastewater Treatment Plant, which is about to start up its operation. In addition, the U.S. and Mexican governments are working through the International Boundary and Water Commission to clean sewer lines and also to construct a back-up system to the current coastal sewage conveyance and treatment system.

They are doing things. But we can certainly argue that we have not seen enough done. But is this the way we treat a partner, someone we say we cooperate with? I think that is the problem.

If we are going to use threats, if we are going to use our muscle, then we should realize that we should be prepared to face the consequences of someone responding in kind. I do not believe that is what we should do with a solid trading partner.

I do believe we send messages, but send messages as a partner would send a message that we want to work with them and we want to improve the conditions. We want to do it together. Because there are people on both sides of the border who will be affected.

I believe the intent of the gentleman from San Diego is eminently good, well-intended, but I do not believe, unfortunately, this sense of Congress gets us there. I would urge my colleagues to vote against this resolution.

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

Mr. Speaker, I simply want to say that I think this has been a good, healthy discussion. I appreciate the various points of view that have been presented. We all clearly wants to clean up the environment. That is not the issue here.

I commend the gentleman from California (Mr. BILBRAY) for coming forth. I think it has been terrific that we have heard this debate because, clearly, it is a more complex issue than what initially meets the eye.

There are many facets to this discussion, this debate. Of course that is why the administration has concerns about this legislation.

I think the real issue here is how do we best clean up the environment. How do we best approach this? Do we do it through this approach in this legislation, or do we continue the cooperative efforts that the administration has embarked upon in the past and are continuing to undertake?

So I would simply ask the Members to vote their conscience, vote their point of view on this particular issue. I know there is a variety of points of view within our caucus as I am sure there are in the gentleman's.

I thank the Members again, the gentleman from New York (Mr. GILMAN), for his bringing this before us. I urge everyone to look at this issue carefully and to simply vote their point of view on the issue.

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

□ 2230

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. LUTHER) for conducting a very good debate on this measure.

Mr. Speaker, to close our arguments on our side, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I want to thank my colleagues. I really want to thank my colleagues who have experience related to the Fronteras pollution problems. Let me just tell my colleagues, this is 20 years that I have been trying to address this issue. The reason why I came to Congress probably more so than anything else is the reputation I have had trying to confront the environmental problems.

The fact is that in 1980 I almost went to jail over this issue. Somebody that was willing to stand up, and senior citizens and children stood up and said, enough is enough. Our government has to start addressing this issue. They were frustrated because they were just a working-class community. They did not have a lot of political clout, a lot of influence, but they felt, we are Americans. We have as much right to be defended and protected from environmental problems as wealthy people. Just because the color of our skin may be a little darker, we may be a little poorer, does not mean we do not have environmental rights.

Now, I say to my colleague from Texas, I agree with him, and I want to work with him, and I will commit myself to working with him. The fact is that the Clean Water Act should apply just as much for pollution across the border as it does for within the border. But the frustration of a working-class neighborhood that is told by EPA that they will go to jail if they dump their sewage while that same working community is polluted by somebody else, and the EPA does not clean it up.

The NAD Bank, there can be more things done with the NAD Bank, and I would really point out that there is agreements by the bank to build projects in the Republic of Mexico 60 miles from the border, which I think ought to be taken care of, the landfill at Punta Penasco and the sewer treatment plant in Ensenada. But the border problems should be given the highest priority, because they are the ones that are really the threat to our growing prosperity.

Now, let me get back to this issue. I met with Mexico, articulated to Mexico that this is as much a message to the Federal Government of the United States as it is to Mexico. They understand the concerns. Those who say that we do not want to disturb Mexico or they might take it inappropriately, let me assure my colleague, in 1978, that is exactly what the young neighbor at Imperial Beach was told by the Carter administration, because an oil deal was going through, and they did not want to jeopardize an economic oil deal over just an environmental problem in a working-class neighborhood in the corner of the United States.

Now, Mr. Speaker, I do not think anyone here believes that we should be

selling out the environment for any economic deal. Those days are over with. The fact is, we need to send a very clear message, not just to Mexico, but to ourselves, that we will not allow the continuation of the pollution of our environment just because it is convenient to look the other way for economic or political reasons; that every neighborhood in the United States has the right to a clean, healthy environment, and the Federal Government of the United States has as much responsibility to the environment along the border as it does anywhere else in this country.

Mr. Speaker, I am not half as concerned as the message this body could send to Mexico. We have already sent it, it has been delivered. What I am concerned about is the message we send to our fellow citizens here in the United States. There is much prejudice against Mexico, and I want to stop that, and I think the one way we stop it is by sending a clear message to American citizens that this body, the sense of Congress, is that we will not sell out the environment of America for economic advantage. We will place the environment of the United States and the citizens who live in that environment first and foremost in all of our relationships.

I ask my colleagues, please, to pull together and just say, let us work together so that we make sure our relationships with Mexico and the United States and the environment are all cleaned up together. That kind of commitment is what I am asking for today.

I ask for approval of this resolution, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from California for his very eloquent argument.

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 331.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXPRESSING SUPPORT FOR U.S. GOVERNMENT EFFORTS TO IDENTIFY HOLOCAUST-ERA ASSETS, URGING THE RESTITUTION OF INDIVIDUAL AND COMMUNAL PROPERTY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 557) expressing support for U.S. Government efforts to identify Holocaust-era assets, urging the restitution of individual and communal property, and for other purposes.

The Clerk read as follows:

H. RES. 557

Whereas the Holocaust was one of the most tragic and complex horrors in this century, and survivors of that catastrophe are now reaching the end of their lives;

Whereas among the many atrocities committed by the Nazis was their systematic effort to confiscate property illegally and wrongfully from individuals, institutions, and communities solely because of religion or ethnicity;

Whereas the Nazi regime used foreign financial institutions to launder and hold property illegally confiscated from Holocaust victims, and some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims and denying heirs of these victims access to these assets through restrictive regulations and unreasonable interpretation of those regulations;

Whereas in the post-Communist period of transition many of the countries of Central and Eastern Europe have begun to enact legal procedures for the restitution of property confiscated or stolen from victims of the holocaust to communities and to individual survivors of the Holocaust and their heirs;

Whereas, despite the enactment of legislation and the establishment of institutions to restore confiscated property in a number of countries, progress has been slow, difficult, and painful, and some countries have established restrictions which require those whose properties have been wrongfully plundered to reside in or be a current citizen of the country from which they now seek restitution or compensation;

Whereas the Tripartite Gold Commission has now concluded its activities, and under the leadership of the United States established an international Nazi Persecutees' Relief Fund, reached agreement with most of the countries which had gold on deposit with the Tripartite Gold Commission to donate their shares to this Persecutees' Fund, and the United States has pledged to contribute $25 million to this fund;

Whereas two significant agreements have recently been reached, the first between Holocaust survivors and private Swiss banks and the second between Holocaust survivors and European insurance companies, which represent significant first steps in the international effort to provide belated justice to survivors and victims of the Holocaust and their heirs;

Whereas the Department of State and the United States Holocaust Memorial Museum will co-host the Washington Conference on Holocaust-Era Assets later this year in order to review current efforts, share research across national borders, renew efforts to open Nazi-era archives, and spur greater progress on the restitution of Holocaust-era assets; and

Whereas there is a growing international consensus and sense of urgency that, after a half century of indifference and inaction, justice must be obtained for victims and survivors of the holocaust and their heirs; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the great responsibility which the United States has to Holocaust survivors and their families, many of whom are American citizens, to continue to treat the issue of Holocaust-era assets as a high priority and to encourage other governments to do the same;

(2) commends the agencies of the United States government for their untiring efforts and for the example they have set, including the publication of the May 1997 and June 1998 reports on U.S. and Allied Efforts to Recover or Restore Gold and Other Assets Stolen or Hidden by Germany in World War II and the efforts to return such assets to their rightful owners;

(3) commends those organizations which have played a critical role in the effort to assure compensation and/or restitution for survivors of the Holocaust, and in particular to the World Jewish Congress and the World Jewish Restitution Organization;

(4) welcomes the convening of the Washington Conference on Holocaust-Era Assets later this year by the United States Holocaust Memorial Museum and the Department of State and expresses the hope that this conference will contribute to the sharing of information and will spur greater progress on the restitution of Holocaust-era assets;

(5) commends those countries which have instituted procedures for the restitution of individual and communal property confiscated from Holocaust victims, and urges those governments which have not established such procedures to adopt fair and transparent legislation and regulations necessary for such restitution;

(6) calls upon countries in transition in Central and Eastern Europe to remove certain citizenship or residency prerequisites for individual survivors of the Holocaust seeking restitution of confiscated property;

(7) notes that former Communist countries which seek to become members of the North Atlantic Alliance and other international organizations must recognize that a part of the process of international integration involves the enactment of laws which safeguard and protect property rights that are similar to those in democratic countries which do not require artificial citizenship and residency requirements for restitution or compensation;

(8) commends those countries which have established significant commissions, such as the Presidential Advisory Commission on Holocaust Assets in the United States, to conduct research into matters relating to Holocaust-era assets, to assure that information developed by these commissions is publicly available, to complete their major historical research efforts, and to contribute to the major funds established to benefit needy Holocaust survivors no later than December 31, 1999;

(9) commends those countries and organizations which have opened their archives and made public records and documents relating to the Nazi era, and urges all countries and organizations, including the United Nations, the Holy See, the International Committee of the Red Cross and national Red Cross organizations, to assure that all materials relating to that era are fully accessible to the public;

(10) urges all countries to develop and include as a part of their educational curriculum material on the Holocaust, the history of the Second World War, the evils of discrimination and persecution of racial, ethnic or religious minorities, and the consequences of the failure to respect human rights;

(11) appreciates the efforts of the government of Germany for successfully concluding an agreement with the Conference on Material Claims Against Germany on matters concerning restitution for Holocaust survivors from Central and Eastern Europe who have not yet received restitution, and urges the government of Germany to continue to negotiate with the Claims Conference to expand the eligibility criteria to ensure that

all needy Holocaust survivors receive restitution;

(12) urges all countries to continue aggressive investigation and prosecution of individuals who may have been involved in Nazi-era war crimes, such as the Government of Germany which should investigate Dr. Hans Joachim Sewering for war crimes of active euthanasia and crimes against humanity committed during World War II;

(13) urges countries, especial Israel, Russia, Poland, and other Central and East European nations, and organizations such as the International Committee of the Red Cross and Israel's Jewish Agency to coordinate efforts to help reunite family members separated during the Holocaust; and

(14) directs the Clerk of the House to transmit a copy of this resolution to the Secretary of State and requests that the Secretary transmit copies to all relevant parties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 557 now under consideration.

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

There was no objection.

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

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

Mr. Speaker, H. Res. 557 is sponsored by our committee colleague, the gentleman from California (Mr. LANTOS), the only Holocaust survivor serving in this body. We commend the gentleman from California (Mr. LANTOS) for his long abiding commitment to ensuring justice for Holocaust survivors and for their heirs.

H.R. 557 commends agencies of the United States Government for their efforts to recover and restitute Holocaust-related assets and expresses support for the upcoming Washington Conference on Holocaust-Era Assets.

It urges those governments which have not established restitution procedures to do so, and to ensure that citizenship or residency requirements do not become impediments. The bill wants information to be made public and specifically mentions the Holy See, which has not been cooperative in opening its archives.

H. Res. 557 also incorporates the thrust of some measures introduced by colleagues of ours. It urges Germany to expand the eligibility criteria for needy Holocaust survivors, and it recommends that Germany investigate Dr. Hans Joachim Sewering for crimes against humanity. The measure also urges everyone to work together to unify family members separated during the Holocaust.

Mr. Speaker, these clauses are the result of legislative support expressed by the gentlewoman from California (Mrs. MALONEY), the gentlewoman from California (Ms. WOOLSEY) and the gentleman from New Jersey (Mr. FRANKS), and we thank them for their commitment.

Mr. Speaker, we must continue to make our voices heard on these important Holocaust-related issues. It is imperative that the countries involved in these matters understand that their response is seen as a measure of their commitment to basic human rights, to justice, and to the rule of law, and it is one of several standards by which our Nation assesses its bilateral relations. Those who perished, those who survived, and their descendents deserve nothing less.

Accordingly, Mr. Speaker, I urge my colleagues to support this measure, H.R. 557.

Mr. Speaker. H. Res. 557 is a measure which has many original co-sponsors, and for good reason. While its thrust concerns Holocaust-era communal property and assets as a result of a hearing our international Relations Committee held with Under Secretary of State Stuart Eizenstat, it also expresses the concerns of a number of Members of Congress regarding a number of Holocaust related issues.

H. Res. 557 is sponsored by our Committee colleague the gentleman from California, Mr. LANTOS, who bears the distinction of being the only Holocaust survivor serving in this body. We commend Mr. LANTOS and his staff for their deep seated commitment to ensuring justice for Holocaust survivors and their heirs. Their work in drafting this sense of the House resolution is greatly appreciated, and I wish to specifically recognize Dr. Bob King and Dr. Kay King for their untiring efforts behind the scenes.

H. Res. 557 commends agencies of the United States governments for their efforts to recover and to restitute Holocaust-related assets.

It also commends the World Jewish Congress and the World Jewish Restitution Organization for their efforts in the many negotiations that have been underway.

This measure expresses support for the upcoming Washington Conference on Holocaust-Era Assets at the end of November, and urges those governments which have not established restitution procedures to do so—to ensure that citizenship or residency requirements do not become impediments.

H. Res. 557 wants information to be made public, and specifically mentions the Holy See. I wish to point out to our Members that the Vatican has not been cooperative in opening its archives.

Additionally, H. Res. 557 incorporates the thrust of a number of measures introduced by some of our colleagues. It urges Germany to expand the eligibility criteria to ensure that all needy Holocaust survivors receive restitution, and recommends that Germany investigate Dr. Hans Joachim Sewering (pronounced Hanz Yo-ach-eem Soo-wer-ing) for crimes against humanity committed during World War II. The measure also urges countries and international organizations to work together to reunify family members separated during the Holocaust.

These clauses are the result of legislative support expressed by Mrs. MALONEY of New York, Mrs. WOOLSEY of California, and Mr. FRANK of New Jersey.

We thank them for their commitment to Holocaust survivors, and appreciate their involvement in these critically important issues.

Lastly, Mr. Speaker, H. Res. 557 directs the Clerk of the House to send a copy of this resolution to the Secretary of State and requests the Secretary to transmit copies to all relevant parties.

Mr. Speaker, we must continue to make our voices heard on these important Holocaust-related issues. It is imperative that the countries involved in these matters understand that their response is seen as a measure of their commitment to basic human rights, justice and the rule of law, and as one of several standards by which the United States assesses its bilateral relations.

Those who perished, those who survived, and their descendants, deserve nothing less. Accordingly, Mr. Speaker, I urge unanimous support for H. Res. 557.

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

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

Mr. Speaker, at the outset, let me express my appreciation to my good friend, the gentleman from New York (Mr. GILMAN), for his leadership on this matter. Let me also thank the gentleman from Indiana (Mr. HAMILTON), the gentleman from New Jersey (Mr. SMITH), the gentlewoman from California (Ms. WOOLSEY), and all the other colleagues across the political spectrum who have chosen to cosponsor my legislation.

Given the lateness of time, Mr. Speaker, I shall be very brief.

The Holocaust clearly was one of the most horrific crimes against humanity in this or, indeed, in any century. Most of the individuals who survived the Holocaust are no longer here. We are dealing with a passing generation, and we are dealing with their heirs.

No legislation can compensate for the death of 6 million innocent people; no legislation can compensate for the unspeakable horrors and suffering that millions of innocent people have suffered. But we find a half a century after the end of the Holocaust that governmental organizations and private institutions like banks and insurance companies have seen fit to hide and to use for their own purposes assets wrongfully and illegally taken from victims of the Holocaust, from institutions that these individuals created, and from entire communities.

The Nazi regime used foreign financial institutions to launder and to hold illegally confiscated assets from Holocaust victims. And some banking and insurance companies and some governments have seen fit to appropriate these assets.

Mr. Speaker, in the post-Communist period, some of the countries of Central and Eastern Europe have begun to take legal action to attempt to find and return a small portion of these assets, and I commend them. Some of the private institutions, like a few banks in

Switzerland and some insurance companies, have begun this same process.

But I must share with my colleagues, Mr. Speaker, my outrage and my horror at noting that some allegedly civilized institutions demand the death certificates from heirs of survivors so they can prove that people who perished at Auschwitz in fact have died. Auschwitz did not issue death certificates, and to see banks and insurance companies in 1998 hiding behind some preposterous and outrageous pseudolegal claim is beyond comprehension.

Now, in a couple of months our Department of State and the Holocaust Museum here in Washington will cohost a Conference on Holocaust-Era Assets, and as is the case with all such developments, it is our government that is taking the lead in attempting to identify and then to see that these assets are returned, either to the heirs of Holocaust victims, or to charitable and educational institutions in case there are no heirs.

I want to commend our government, and I particularly want to commend Under Secretary of State Stuart Eizenstat for the leadership he has taken in working on this significant moral issue. I want to thank all of my colleagues for their support of my legislation.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in the aftermath of the Holocaust, survivors struggled to build their lives, and nobody knows this better than the gentleman from California (Mr. LANTOS), and I want to commend him for bringing this legislation to the floor, for authoring it and for the very important provisions that it contains.

Mr. Speaker, Holocaust victims in Western countries generally received some compensation, some monetary compensation, from Germany, albeit very limited. Those victims whose homelands fell behind the Iron Curtain after World War II did not receive even this slight measure of justice. Other issues related to the Holocaust era, including the disposition of assets such as real or financial property, artwork, insurance policy proceeds, went unresolved for all of these individuals, as well as for religious communities.

Mr. Speaker, a belated measure of justice, and again, this is infinitesimally small compared to the unparalleled, horrific nature of the Holocaust, is within reach. Much has been achieved, including unprecedented settlements between Holocaust survivors, Swiss banks and European insurance companies.

Building on this momentum, as was pointed out, the State Department and the U.S. Holocaust Memorial Museum will convene a Washington Conference on Holocaust-Era Assets next month to address issues of Nazi-confiscated assets, including art, insurance, communal property, libraries and archives, as well as Holocaust education, research and remembrance. Conference participants will include government officials from over 40 countries, historians, experts and representatives of major NGOs, including the survivor community.

Mr. Speaker, this resolution should not and could not be considered at a more opportune moment. The resolution calls on countries to return expropriated properties to Holocaust victims or their heirs without arbitrary discrimination.

□ 2245

It calls for the opening of archives relating to the Nazi-era and for the continued prosecution of Nazi-era war criminals. It calls on Germany to provide reparations to all Holocaust victims without delay and without the use of unreasonable eligibility criteria. And of very real importance, this resolution calls on all countries to encourage education on the history of the Holocaust and the consequences of the failure to respect human rights.

It is a great resolution, very timely and important and I urge its passage.

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

Mr. Speaker, I would just like to add a footnote to what the gentleman from New Jersey (Mr. SMITH) has just said. It is beneath contempt that major art museums in major European countries should have on display on their walls stolen property, but that is in fact the case. Priceless works of art, plundered from family collections or collections of institutions, are as we speak tonight on the walls of important art institutes across Europe.

My resolution calls for the return of these works of art, either to their owners or the heirs of the original owners or to the appropriate philanthropic and educational institutions or museums to which they properly belong.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), my friend and colleague who has been so deeply concerned with this issue and has been a prominent fighter to right this wrong.

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

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of H.Res. 557. This resolution reflects the growing consensus that real justice must be obtained for the victims and survivors of the Nazi Holocaust.

Mr. Speaker, the world has an obligation to provide justice and dignity to all Holocaust victims and their survivors. I commend the gentleman from California (Mr. LANTOS) and the gentleman from New York (Chairman GILMAN) for bringing the House resolution before us so we can begin to address this need for justice.

I am particularly pleased that this resolution urges all countries to continue aggressive investigation and prosecution of individuals who have been involved in Nazi-era war crimes, because we must bring these individuals to justice and never forget their horrible crimes.

One individual that we must bring to justice is Dr. Hans Severing. Today, in 1998, Dr. Severing practices medicine in Germany, just as he has for the last 55 years. In 1943, Dr. Severing was engaged in a different kind of medical practice. He was a staff physician and the director of the SS at the Schoenbrunn Sanitarium. This sanitarium was meant to treat children with special needs, but it was just a brief stop before a more terrible fate for these children.

The stop was brief because during World War II, Dr. Severing participated in the Nazi euthanasia program. Under Dr. Severing's orders, over 900 mentally and physically disabled children were sent to a so-called ''healing center'' where physicians starved and drugged these children until their death. Over 900 innocent children.

After the war, Dr. Severing was not punished. He was not even exposed. He was not charged with any crime. He thought that the world would forget the children he sent to death. In fact, until recently it appeared that the world had forgotten.

Since the war, Dr. Severing enjoyed a full and rewarding medical career in Bavaria. In 1993, he became the President-elect of the World Medical Association, until controversy stemming from his crimes forced him to resign. It was at this time that four Franciscan nuns who were witness to these atrocities broke their vows of silence in order to bring Dr. Severing to justice.

After this, the U.S. Department of Justice placed Dr. Severing on our watch list, preventing his entry into the United States. But the Bavarian government refuses to investigate this matter. They refuse to press charges.

Thanks to the Anti-Defamation League, along with the leading pursuer of Dr. Severing, Dr. Michael Franzblau, the world does not forget these crimes that have gone unpunished. Dr. Hans Severing and every other Nazi war criminal must be investigated and exposed for what they really are and they must be brought to justice for their crimes.

Today, along with Michael Franzblau and my colleagues, I demand justice for 900 children who died at the hand of Dr. Severing and for every other individual and family that has suffered as a result of the Holocaust. It is not too late to provide the remaining survivors of the Holocaust with justice and dignity.

Today by passing this resolution we can begin the process. I support H.Res. 557 because we can begin that process.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for her strong supportive arguments.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX), a member of our Committee on International Relations.

Mr. FOX of Pennsylvania. Mr. Speaker, I commend the gentleman from California (Mr. LANTOS) for his outstanding bill, along with the gentleman from New York (Mr. GILMAN) for bringing this forward today. They have been together a team working on this important issue for the U.S. Government to identify Holocaust-era assets and urging the restitution of individual and communal property for some time.

So the resolution offered by the gentleman from California (Mr. LANTOS), with the great support of the gentleman from New York, together have forged a great alliance in the Committee on International Relations and we appreciate their leadership and this is a resolution that deserves 100 percent support from this body.

Mr. Speaker, the resolution specifically expresses support of the U.S. Government to identify Holocaust-era assets. It was only in recent months and years that we have learned about some of these assets that the public did not know about that people did not realize were there. And because of their efforts, we have now gone forward to identify those assets.

The Holocaust, as we know, was one of the most tragic and complex horrors of this century; an era we never want to see repeated ever in this world ever in our time. Whereas among their many atrocities committed by the Nazis was their systematic effort to confiscate property wrongfully from individuals, many of whom never lived, but their families and heirs have never received.

The Nazi regime used foreign financial institutions to launder and hold the property illegally confiscated. In the post-communist period of transition, many of the countries in Europe have begun to enact legal procedures for the restitution of this property. But this resolution, Mr. Speaker, will help us forge efforts in the House and the Senate, in banking circles and other economic circles, to make sure that the restitution will come about and that the heirs and survivors of the Holocaust will be able to get what is rightfully theirs, because of this resolution and the other items and initiatives that will follow.

Whereas the two significant agreements have recently been reached, the first between Holocaust survivors and private Swiss banks and the second between Holocaust survivors and European insurance companies, we will see that the Holocaust survivors' families will be recognized.

Nothing can ever take back all the hurt, the pain, the suffering, the loss of life. But the House of Representatives can certainly, working together with the Senate and the President, take strides to make sure that we recognize our responsibility to the Holocaust survivors and to end this sad chapter of the world and at least do what we can to help those victims put their lives back together.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 557.

The question was taken.

Mr. LANTOS. 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 the motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1853) ''An Act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.''.

CONDEMNING THE FORCED ABDUCTION OF UGANDAN CHILDREN AND THEIR USE AS SOLDIERS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 309) condemning the forced abduction of Ugandan children and their use as soldiers, as amended.

The Clerk read as follows:

H. CON. RES. 309

Whereas the rebel Lord's Resistance Army (LRA) has abducted approximately 10,000 children, some as young as 8 years old, in northern Uganda to support its efforts to overthrow the Government of Uganda;

Whereas the United Nations Commission on Human Rights in March 1998 condemned ''in the strongest terms'' the LRA's child abductions;

Whereas children kidnapped by the LRA are forced to raid and loot villages, fight in the front lines against the Ugandan army, serve as sexual slaves to rebel commanders, and help kill other abducted children who try to escape;

Whereas the LRA, led by Joseph Kony, has continued to kill, torture, maim, rape, and abduct large numbers of civilians, virtually enslaving numerous children;

Whereas LRA child abductees serve as surrogates for Sudanese government forces against the south;

Whereas Sudanese government soldiers deliver food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;

Whereas children who manage to escape from LRA captivity find their families displaced or deceased and have little access to rehabilitation programs, and in many instances their families are afraid for their children turned toy soldiers to return home;

Whereas children are conscripted, coaxed, or tricked into volunteering for the armed forces and are sometimes sold to armies and armed groups by impoverished families;

Whereas the United Nations has recommended the establishment, through the Optional Protocol to the Convention on the Rights of the Child, of age 18 as the minimum age for recruitment and participation of individuals in armed forces; and

Whereas the International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations such as Amnesty International and Human Rights Watch, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the abduction of children by the Lord's Resistance Army (LRA) in northern Uganda and calls for the immediate release of all LRA child captives;

(2) urges Olara Otunnu, the recently appointed United Nations Special Representative on Children and Armed Conflict, to take appropriate measures to resolve the LRA problem;

(3) encourages the United Nations Committee on the Rights of the Child to investigate the situation in northern Uganda;

(4) calls on the Al-Bashir government to cease supporting the LRA in the abductions and kidnapping of children in Northern Uganda;

(5) calls on the President and the Secretary of State to support efforts to end the abduction of children by the LRA and obtain their release; and

(6) asks the President to provide more support to United Nations agencies and nongovernmental organizations working to rehabilitate former child soldiers and reintegrate them into society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr.

PAYNE), a member of our Committee on International Relations, for introducing this resolution. I am pleased to be a cosponsor.

This resolution calls our attention to one of the most abhorrent human rights abuses in the world today. The government of Sudan actively supports a rebel group in northern Uganda that calls itself the Lord's Resistance Army. That terrorist group kidnaps the children of innocent Ugandan villagers and turns them into slaves or soldiers who then prey upon their families or their communities.

In a report called ''Scars of Death,'' Human Rights Watch states that, ''In effect, children abducted by the Lord's Resistance Army become slaves: their labor, their bodies, and their lives are all at the disposal of their rebel captors.''

Accordingly, I urge my colleagues to support this resolution and speak out against these horrible practices.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 309, condemning the forced abduction of Ugandan children and their use as soldiers. I thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the gentleman from Indiana (Mr. HAMILTON), ranking member, for helping to bring this important resolution to the House Floor.

Let me also thank my colleagues, the gentleman from California (Mr. BERMAN); the gentleman from New Jersey (Mr. MENENDEZ), the ranking member of our committee; the gentleman from California (Mr. LANTOS); and the gentleman from Florida (Mr. HASTINGS) for being as concerned as I am about the plight of children in northern Uganda.

Since 1994, it is estimated that from 8,000 to 10,000 children have been abducted in northern Uganda. They are the innocent victims, some as young as 4 years old, whose situation is exacerbated by internal and regional conflicts.

I had an opportunity to speak to a mother whose daughter was taken by the Lord's Resistance Army from a local school. The little girl's name was Mary. Mary was not the only one taken. She and 139 of her classmates were taken at gun point by the Lord's Resistance Army.

Some of the children were rescued and told the story of what happened to Mary. They said that when Mary tried to run away, she was caught by the soldiers. When the soldiers caught her, they made an example of her so that other children would not run away. They forced one of her peers, another girl, to kill her.

Mr. Speaker, forcing children to kill their friends is used as a tool to instill fear and to break the spirit and ensure that they will continue to be little rebels, to be slaves, to be obedient to the military leaders. And by instilling fear, they reduce the possibility of children attempting to escape.

So, it does not come as any surprise that 90 percent of the casualties in the conflict in the northern part of Uganda where the Lord's Resistance Army is operating are women and children. They are the most vulnerable.

The leader of the LRA is Joseph Kony, who has committed a series of human rights abuses. He is supported by the Sudan government, the National Islamic Front, the NIF, led by Ali Bashir and his pariah government that supports militarily and financially the Lord's Resistance Army movement in northern Uganda.

□ 2300

And so I think that we have to certainly shed light on this tragic example of what is happening in Uganda. Once again, Sudan, a pariah government which harbors terrorists, who has worked to destabilize countries in their region, is also continuing to commit high crimes.

This resolution calls for more support to aid in the recovery and rehabilitation of children that go back into their community, and it would also help to stop these egregious violations of individual rights.

This problem has been discussed by our President and the First Lady when we were in Uganda and visited some areas where these children live. Recently our Secretary of State, Madeleine Albright, has also shed light on this problem. And so I am now bringing this to the House of Representatives to ask that we join in the chorus of those who are outraged by this egregious and barbaric situation which is happening.

Once again, Mr. Speaker, I thank the chairman for this opportunity to present this.

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

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume to commend the gentleman from New Jersey (Mr. PAYNE) for his leadership role in this very important human rights measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Subcommittee on International Operations and Human Rights of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, given the lateness of the hour, I will be very brief.

I do want to thank the gentleman from New Jersey (Mr. Payne) for authoring this legislation. I think it sends a very clear and unmistakable message about the Lord's Resistance Army. One has to wonder what Lord they are serving with the kind of atrocities that are committed, stealing upwards of 10,000 kids and then forcing kids, as was pointed out in the resolution, as young as 8 years of age, to carry weapons and to commit atrocities and to try to overthrow the government. It is absolutely appalling.

We have had hearings in our Subcommittee on International Operations and Human Rights and have heard from some witnesses who spoke firsthand about these atrocities committed by the Lord's Resistance Army. Humanitarian aid workers as well. This resolution is very timely, and again I want to commend my good friend from New Jersey for authoring it and bringing to the full House's attention this terrible situation.

Mr. BERMAN. Mr. Speaker, today I speak in strong support of H. Con. Res. 309, which condemns the forced abduction of children by the rebel Lord's Resistance Army (LRA) in northern Uganda. I thank my esteemed colleague Mr. PAYNE for introducing this resolution. I also thank my fellow cosponsors: International Relations Committee Chairman GILMAN, Mr. LANTOS, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. HASTINGS, Ms. MCKINNEY, Ms. BROWN and Ms. NORTON. It is time for the U.S. Congress to add its voice to those demanding an end to the atrocities suffered by children in northern Uganda.

The LRA, a bizarre Christian group supported by the fundamentalist Islamic government of Sudan, has kidnapped some 10,000 Ugandan children and forced them to fight as insurgents. Some of these children are as young as eight years old. Captive children raid and loot villages and serve in the front lines against the Ugandan army. They are also forced to help kill other abducted children who try to escape. Young teenage girls suffer the additional horror of serving as ''wives'' to ranking rebel soldiers. If they resist, they are beaten, sometimes severely. Girls may be given to several men in the course of a year.

In July, the International Relations Committee heard moving firsthand testimony about the abductions from Sister Mary Rose Atuu, from the Little Sisters of Mary Immaculate of Gulu. Sister Atuu told of the harrowing 1992 abduction of 44 girls by LRA rebels from the school where she was a teacher. With great dignity, she begged the United States to stop the ''war'' being waged against innocent children in Uganda. We must not let her plea go unanswered.

The children's plight is finally getting more international attention, which I believe is vital to ending their nightmare. Earlier this year, the U.N. Commission on Human Rights condemned ''in the strongest terms'' the abduction of children in northern Uganda, and First Lady Hillary Clinton addressed the issue in a speech while visiting the country in March. We must do much more, however, to increase international pressure on Joseph Kony, the leader of the LRA, and the Al-Bashir government in Sudan that supports him.

This resolution condemns the abduction of children by the LRA in northern Uganda and calls for the immediate release of all LRA child captives. It urges the recently-appointed U.N. Special Representative on Children and Armed Conflict to aggressively address the situation, and encourages the U.N. Committee on the Rights of the Child to investigate. The resolution also calls on the Al-Bashir Government in Sudan to stop supporting the LRA and asks President Clinton to provide more support to U.N. agencies and non-governmental organizations working to rehabilitate and reintegrate former child soldiers into society.

I am proud to be an original cosponsor of this important legislation and I urge all my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 309, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON FRIDAY, OCTOBER 9, 1998

Mr. MICA. Mr. Speaker, pursuant to House Resolution 575, I am pleased to announce the following suspensions to be considered Friday, October 9:

H.R. 4651
H.R. 1197 or S. 1072
H.R. 2431
House Concurrent Resolution 334
House Concurrent Resolution 320
S. 2094
S. 2505
House Concurrent Resolution 214
S. 2432
H.R. 2616
H.R. to be determined, bill entitled Veterans Programs Enhancement Act of 1998
S. 852
S. 1260
H.R. 4567
H.R. 4052
S. 2370
H.R. 2187
H.R. 2560

The list, Mr. Speaker, with the titles follows:

1. H.R. 4651—A Bill to Make Minor and Technical Amendments Relating to Federal Criminal Law and Procedure (McCollum—Judiciary)
2. H.R. 1197 or S. 1072—Plane Patent Amendments Act (Bob Smith—Judiciary)
3. H.R. 2431—Freedom From Religious Persecution Act (Wolf—IR)
4. H. Con. Res. 334—Taiwan World Health Organization (Solomon—IR)
5. H. Con. Res. 320—Supporting the Baltic People of Estonia, Latvia, and Lithuania, and Condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939 (Shimkus)—IR)
6. S. 2094—A bill to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items (Allard—Resources)
7. S. 2505—A bill to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho (Craig—Resources)
8. H. Con. Res. 214—A concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music (Jenkins—E&W)
9. S. 2432—Assistive Technology (Jeffords—E&W/SCI)
10. H.R. 2616—Charter Schools (E&W)
11. H.R. _____, Veterans Programs Enhancement Act of 1998 (VETS)
12. S. 852—National Salvage Motor Vehicle Consumer Protection Act (COM)
13. S. 1260—Securities Litigation Uniform Standards Act of 1998 (COM)
14. H.R. 4567—Medicare Home Health Care and Veterans Health Care Improvement Act of 1998 (Thomas—W&M/COM)
15. H.R. 4052—A bill to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida (Meek—GRO)
16. S. 2370—Designating the Lieutenant Henry O. Flipper Station (Moynihan—GRO)
17. H.R. 2187—Designating the United State Courthouse located at 40 Foley Square in New York, New York, as the Thurgood Marshall United States Courthouse
18. H.R. 2560—to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas

VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1021) to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

The Clerk read as follows:

S. 1021

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 ''Veterans Employment Opportunities Act of 1998''.

SEC. 2. ACCESS FOR VETERANS.

Section 3304 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) Preference eligibles or veterans who have been separated from the armed forces under honorable conditions after 3 years or more of active service may not be denied the opportunity to compete for vacant positions for which the agency making the announcement will accept applications from individuals outside its own workforce under merit promotion procedures.

''(2) This subsection shall not be construed to confer an entitlement to veterans' preference that is not otherwise required by law.

''(3) The area of consideration for all merit promotion announcements which include consideration of individuals of the Federal workforce shall indicate that preference eligibles and veterans who have been separated from the armed forces under honorable conditions after 3 years or more of active service are eligible to apply. The announcements shall be publicized in accordance with section 3327.

''(4) The Office of Personnel and Management shall establish an appointing authority to appoint such preference eligibles and veterans.''.

SEC. 3. IMPROVED REDRESS FOR PREFERENCE ELIGIBLES.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3330a. Preference eligibles; administrative redress

''(a)(1) A preference eligible who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference may file a complaint with the Secretary of Labor.

''(2)(A) A complaint under this subsection must be filed within 60 days after the date of the alleged violation.

''(B) Such complaint shall be in writing, be in such form as the Secretary may prescribe, specify the agency against which the complaint is filed, and contain a summary of the allegations that form the basis for the complaint.

''(3) The Secretary shall, upon request, provide technical assistance to a potential complainant with respect to a complaint under this subsection.

''(b)(1) The Secretary of Labor shall investigate each complaint under subsection (a).

''(2) In carrying out any investigation under this subsection, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or agency that the Secretary considers relevant to the investigation.

''(3) In carrying out any investigation under this subsection, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

''(4) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or agency to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this subsection and the district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

''(c)(1)(A) If the Secretary of Labor determines as a result of an investigation under subsection (b) that the action alleged in a complaint under subsection (a) occurred, the Secretary shall attempt to resolve the complaint by making reasonable efforts to ensure that the agency specified in the complaint complies with applicable provisions of statute or regulation relating to veterans' preference.

''(B) The Secretary of Labor shall make determinations referred to in subparagraph (A) based on a preponderance of the evidence.

''(2) If the efforts of the Secretary under subsection (b) with respect to a complaint under subsection (a) do not result in the resolution of the complaint, the Secretary shall notify the person who submitted the complaint, in writing, of the results of the Secretary's investigation under subsection (b).

''(d)(1) If the Secretary of Labor is unable to resolve a complaint under subsection (a) within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought—

''(A) before the 61st day after the date on which the complaint is filed; or

''(B) later than 15 days after the date on which the complainant receives written notification from the Secretary under subsection (c)(2).

''(2) An appeal under this subsection may not be brought unless—

''(A) the complainant first provides written notification to the Secretary of such complainant's intention to bring such appeal; and

''(B) appropriate evidence of compliance with subparagraph (A) is included (in such form and manner as the Merit Systems Protection Board may prescribe) with the notice of appeal under this subsection.

''(3) Upon receiving notification under paragraph (2)(A), the Secretary shall not continue to investigate or further attempt to resolve the complaint to which the notification relates.

''(e)(1) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

''(2) A preference eligible may not pursue redress for an alleged violation described in subsection (a) under this section at the same time the preference eligible pursues redress for such violation under any other law, rule, or regulation.

''§ 3330b. Preference eligibles; judicial redress

''(a) In lieu of continuing the administrative redress procedure provided under section 3330a(d), a preference eligible may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

''(b) An election under this section may not be made—

''(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(d); or

''(2) after the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

''(c) An election under this section shall be made, in writing, in such form and manner as the Merit Systems Protection Board shall by regulation prescribe. The election shall be effective as of the date on which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

''§ 3330c. Preference eligibles; remedy

''(a) If the Merit Systems Protection Board (in a proceeding under section 3330a) or a court (in a proceeding under section 3330b) determines that an agency has violated a right described in section 3330a, the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as liquidated damages.

''(b) A preference eligible who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330 the following:

''3330a. Preference eligibles; administrative redress.
''3330b. Preference eligibles; judicial redress.
''3330c. Preference eligibles; remedy.''.

SEC. 4. EXTENSION OF VETERANS' PREFERENCE.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Paragraph (3) of section 2108 of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or the General Accounting Office;'' and inserting ''or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;''.

(b) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''§ 115. Veterans' preference

''(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

''(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

''(1) that such position is—

''(A) a confidential or policy-making position; or

''(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

''(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''115. Veterans' preference.''.

(c) LEGISLATIVE BRANCH APPOINTMENTS.—

(1) DEFINITIONS.—For the purposes of this subsection, the terms ''covered employee'' and ''Board'' shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) RIGHTS AND PROTECTIONS.—The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code, shall apply to covered employees.

(3) REMEDIES.—

(A) IN GENERAL.—The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5, United States Code, in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) PROCEDURE.—The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act.

(4) REGULATIONS TO IMPLEMENT SUBSECTION.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

(C) COORDINATION.—The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) APPLICABILITY.—Notwithstanding any other provision of this subsection, the term ''covered employee'' shall not, for purposes of this subsection, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(6) EFFECTIVE DATE.—Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(d) JUDICIAL BRANCH APPOINTMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Judicial Conference of the United States shall prescribe procedures to provide for—

(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

(B) redress for alleged violations of any rights provided for under subparagraph (A).

(2) PROCEDURES.—Under the procedures, a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences in a manner and to the extent consistent with preferences afforded to preference eligibles in the executive branch.

(3) EXCLUSIONS.—Nothing in the procedures shall apply with respect to an applicant or employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is as a judicial officer;

(C) whose appointment is required by statute to be made by or with the approval of a court or judicial officer; or

(D) whose appointment is to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(4) DEFINITIONS.—For purposes of this subsection, the term ''judicial officer'' means a justice, judge, or magistrate judge listed in

subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code.

(5) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

(A) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States shall submit a copy of the procedures prescribed under this subsection to the Committee on Government Reform and Oversight and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.

(B) EFFECTIVE DATE.—The procedures prescribed under this subsection shall take effect 13 months after the date of enactment of this Act.

SEC. 5. VETERANS' PREFERENCE REQUIRED FOR REDUCTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following:

''(8) sections 3501–3504, as such sections relate to veterans' preference.''.

SEC. 6. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 2302 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

''(11)(A) knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

''(B) knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or''.

(b) DEFINITION; LIMITATION.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1) For the purpose of this section, the term 'veterans' preference requirement' means any of the following provisions of law:

''(A) Sections 2108, 3305(b), 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317(b), 3318, 3320, 3351, 3352, 3363, 3501, 3502(b), 3504, and 4303(e) and (with respect to a preference eligible referred to in section 7511(a)(1)(B)) subchapter II of chapter 75 and section 7701.

''(B) Sections 943(c)(2) and 1784(c) of title 10.

''(C) Section 1308(b) of the Alaska National Interest Lands Conservation Act.

''(D) Section 301(c) of the Foreign Service Act of 1980.

''(E) Sections 106(f), 7281(e), and 7802(5) of title 38.

''(F) Section 1005(a) of title 39.

''(G) Any other provision of law that the Director of the Office of Personnel Management designates in regulations as being a veterans' preference requirement for the purposes of this subsection.

''(H) Any regulation prescribed under subsection (b) or (c) of section 1302 and any other regulation that implements a provision of law referred to in any of the preceding subparagraphs.

''(2) Notwithstanding any other provision of this title, no authority to order corrective action shall be available in connection with a prohibited personnel practice described in subsection (b)(11). Nothing in this paragraph shall be considered to affect any authority under section 1215 (relating to disciplinary action).''.

(c) REPEALS.—

(1) SECTION 1599c OF TITLE 10, UNITED STATES CODE.—

(A) REPEAL.—Section 1599c of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking out the item relating to section 1599c.

(2) SECTION 2302(a)(1) OF TITLE 5, UNITED STATES CODE.—Subsection (a)(1) of section 2302 of title 5, United States Code, is amended to read as follows:

''(a)(1) For the purpose of this title, 'prohibited personnel practice' means any action described in subsection (b).''.

(d) SAVINGS PROVISION.—This section shall be treated as if it had never been enacted for purposes of any personnel action (within the meaning of section 2302 of title 5, United States Code) preceding the date of enactment of this Act.

SEC. 7. EXPANSION AND IMPROVEMENT OF VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS.

(a) COVERED VETERANS.—Section 4212 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''$10,000'' and inserting in lieu thereof ''$25,000''; and

(B) by striking out ''special disabled veterans and veterans of the Vietnam era'' and inserting in lieu thereof ''special disabled veterans, veterans of the Vietnam era, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized'';

(2) in subsection (b), by striking out ''special disabled veteran or veteran of the Vietnam era'' and inserting in lieu thereof ''veteran covered by the first sentence of subsection (a)''; and

(3) in subsection (d)(1), by striking out ''veterans of the Vietnam era or special disabled veterans'' both places it appears and inserting in lieu thereof ''special disabled veterans, veterans of the Vietnam era, or other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized''.

(b) PROHIBITION ON CONTRACTING WITH ENTITIES NOT MEETING REPORTING REQUIREMENTS.—(1) Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

''§ 1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements

''(a)(1) Subject to paragraph (2), no agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in section 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) of that title with respect to the preceding fiscal year if such contractor did not submit such report.

''(2) Paragraph (1) shall cease to apply with respect to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by such section 4212(d) for the fiscal year concerned.

''(b) The Secretary of Labor shall make available in a database a list of the contractors that have complied with the provisions of such section 4212(d).''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following:

''1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements.''.

SEC. 8. REQUIREMENT FOR ADDITIONAL INFORMATION IN ANNUAL REPORTS FROM FEDERAL CONTRACTORS ON VETERANS EMPLOYMENT.

Section 4212(d)(1) of title 38, United States Code, as amended by section 7(a)(3) of this Act, is further amended—

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

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(C) the maximum number and the minimum number of employees of such contractor during the period covered by the report.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1021, the Senate bill under consideration.

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

There was no objection.

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

My colleagues, I am very pleased to be here this evening. It has taken us two Congresses, but this House is finally in a position to legislate long overdue relief for the men and women who have defended our Nation.

This process began in the last Congress when I was pleased to introduce H.R. 3586, the Veterans Employment Opportunities Act of 1996. The House passed that bill twice, once as a standalone bill and once as an amendment to a Senate bill, S. 8668. Unfortunately, the other body did not act on either of those bills before that Congress adjourned.

On the first day of this Congress, Mr. Speaker, I introduced essentially the same bill, H.R. 240, the Veterans Employment Act of 1997. The House passed H.R. 240 on April 9, 1997. The Senate has passed the bill before us today, S. 1021, which was a companion bill to H.R. 240, introduced by Senators HAGEL and CLELAND, two very distinguished Vietnam veterans.

Mr. Speaker, there are many to thank for their hard work and leadership on this bipartisan issue. I want to particularly point out and thank for their strong support the current chairman of the committee, the gentleman from Indiana (Mr. DAN BURTON), and former chairman Bill Clinger, both of whom led the Committee on Government Reform and Oversight during this Congress and the last one.

I also want to take a moment to thank for their leadership the distinguished gentleman from Arizona (Mr.

STUMP), the chairman of the House Committee on Veterans' Affairs, and the distinguished gentleman from Indiana (Mr. STEVE BUYER), who chaired the Subcommittee on Education, Training, Employment and Housing, during the last Congress.

And I must give special appreciation to the gentleman from New York (Mr. SOLOMON), who has been a strong and tireless supporter of this legislation and a tremendous fighter for our veterans. I appreciate both his support and his leadership.

I also want to thank three gentlemen on the other side of the aisle who have served as ranking members of the Subcommittee on Civil Service during my tenure as chairman. First, unquestionably, we thank for his leadership the gentleman from Maryland (Mr. ELIJAH CUMMINGS), who has done a tremendous job working with me hand-in-hand during the past years. Also, I want to thank former ranking members, one from Pennsylvania, Mr. TIM HOLDEN, and the distinguished gentleman from Virginia (Mr. MORAN), both of whom have supported this legislation, and I thank them for their untiring leadership.

Mr. Speaker, this bill does not resolve all of the problems relating to veterans preference in our Federal workplace. It does not contain all the protections for veterans that were in the bill that the House passed. Nonetheless, Mr. Speaker, there are some very important protections in this legislation.

Foremost among them is the creation of an effective and user-friendly redress system for our veterans who believe their rights have been violated. This has been sought by our veterans for many, many years.

In addition, veterans entitled to preference and other veterans who have 3 years of honorable service in the military will receive expanded opportunities to compete for Federal jobs.

□ 2310

Very often, Mr. Speaker, Federal agencies will only allow current civilian employees to apply for vacancies. Veterans who do not work for the Federal Government are barred from even competing on their merits for these jobs. That will change when this legislation is enacted. Under this bill whenever an agency opens the competition to civilian employees outside of its own workforce, it must also allow these qualified veterans to compete.

S. 1021 is a significant step forward for our veterans. It opens many jobs that were previously closed to them. It also advances the principle of open competition for Federal jobs. Most important, this provision recognizes that the men and women who served in our armed forces have indeed served as Federal employees and it honors and recognizes that service.

Like the House bill, S. 1021 also makes the violation of veterans' preference laws a prohibited personnel practice. This means that bureaucrats who violate veterans' rights do so at their own peril. They can be subjected in fact to disciplinary action before the Merit Systems Protection Board under this legislation.

Mr. Speaker, this bill also expands veterans' employment opportunities with Federal contractors and it also prohibits Federal agencies from contracting with companies that have not complied with the Department of Labor reporting requirements with respect to hiring Vietnam-era, Persian Gulf and our disabled veterans. The House bill contained no similar provisions. These are welcome additions that certainly embody the spirit of the House bill. They will open new job opportunities for our veterans, particularly our Persian Gulf veterans. However, just today the Society for Human Resource Management and other employer organizations have raised certain questions about the potential burden that may be imposed on employers by section 8 of the bill, this provision that I said was included by the other body.

Mr. Speaker, this is a question that should carefully be examined by, among others, the Committee on Education and the Workforce which has jurisdiction over the office of Federal contract compliance programs.

Mr. Speaker, I include for the RECORD a letter I received today from the Society for Human Resource Management.

SOCIETY FOR
HUMAN RESOURCE MANAGEMENT,
Alexandria, VA, October 8, 1998.

U.S. House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the Society for Human Resource Management (SHRM), I am writing to express concerns regarding Section 8 of S. 1021, the Veterans Employment Opportunities Act, entitled, ''Requirement for Additional Information in Annual Reports from Federal Contractors in Veterans Employment''. This provision was not included in the House-passed bill or in the original Senate legislation. We understand that the full House is likely to consider S. 1021 by suspending the rules later today.

SHRM is the leading voice of the human resource profession, representing more than 104,000 human resource professionals and student members from across the country and around the globe.

Currently, a federal contractor is required to report the total number of veterans whom the contractor employs on a particular date. S. 1021, Section 8, would further require federal contractors to report the maximum and the minimum number of all employees during the entire one year period covered by the report. The bill would prohibit federal agencies from obligating or expending funds to enter into a contract with a contractor who has not complied with reporting requirements.

The reporting requirements proposed in Section 8 do not currently exist under any federal statute. Information for all employees in the entire workforce, from every payroll period would need to be captured, stored, analyzed and extrapolated to determine the minimum and maximum number of employees for the entire year.

Changes to the current reporting requirements for the VETS–100 report would represent a major effort and expense for federal contractors. New surveying of the current workforce would be required. Internal procedures and forms associated with the hiring process would have to be changed to reflect the new categories of veterans. Processes would need to be implemented to insure that each employee provides a response, even if that response is that he or she does not wish to self-identify. In addition, historical data that currently resides in computer systems would need to be altered.

This requirement raises a whole host of unanswered questions, including, how ''employees'' will be defined and what constitutes a reported work site. While it may be assumed that the same definition of what constitutes a reported work site would apply to this new mandate, the legislation does not specifically address that issue.

Employers are already confronting significant and costly changes to their Human Resource Information Systems (HRIS) because of a whole host of increased reporting requirements. For example, changes to the 2000 Census will require significant changes to employers' collection reporting processes for employee information. The Office of Federal Contract Compliance Programs (OFCCP) is also reportedly actively considering changes to its reporting requirements. The cumulative impact of these changes in unbearable.

We recognize the importance of protecting American Veterans and the underlying legislation, but hope that you will understand these practical concerns and the impact that Section 8 will have on reporting processes for all federal contractors in the private sector. Please contact Deanna Gelak, Director of Government Affairs if you would like to further discuss these issues and the need to further examine the employment implications of Section 8 of S. 1021 in the next Congressional session.

Sincerely,

SUSAN R. MEISINGER, SPHR,
Senior Vice President.

Mr. Speaker, in short and finally, S. 1021 is a good bill. It is a strong bipartisan measure that in fact will benefit our veterans. I urge all Members to support it.

Unfortunately our Federal workplace has become a barrier to employment opportunity where veterans sometimes are the very last hired and the first fired. This bill changes that practice. This is the most important and significant veterans legislation to pass Congress in nearly a decade. This effort in fact culminates years of efforts by numerous veterans service organizations to recognize Federal service as Federal employment by our veterans.

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

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

Mr. Speaker, I rise today to express my strong support for S. 1021, the Veterans Employment Opportunity Act. I would first like to congratulate the chairman of the Subcommittee on Civil Service the gentleman from Florida (Mr. MICA) for his leadership and his spirit of bipartisanship in an effort to expand and strengthen veterans' preference. I also want to thank the chairman of the committee the gentleman from Indiana (Mr. BURTON) and our ranking member of the Committee on Government Reform and Oversight the gentleman from California (Mr. WAXMAN) for their cooperation in making

this moment possible as we present this legislation tonight.

The spirit of cooperation on both sides of the aisle has been critical in bringing forward this important legislation. S. 1021 improves the ability of veterans to compete during the Federal hiring process, extends veterans' preference to all branches of the Federal Government, and instructs the Secretary of Labor to maintain a database of contractors who have filed reports on the number of veterans they have hired. The bill also makes knowing violations of veterans' preference laws a prohibited personnel practice. Finally, it makes improvements in the system for investigating and redressing violations of veterans preference whenever they occur.

The Federal Government is the Nation's leader in veterans' employment, with 27 percent of the Federal workforce made up of veterans. 506,939 veterans were employed by the government as of September 30, 1996. Compared to the private sector, the Federal Government employs two times the percentage of veterans. Yet testimony in previous Civil Service Subcommittee hearings has revealed that veterans' preference in the Federal workforce is sometimes ignored or circumvented and that its continued viability in the workplace is threatened on several fronts.

For example, a 1992 General Accounting Office study of veterans' preference revealed that certificates, that is the list of candidates from which agencies may hire, headed by a veteran entitled to preference were returned unused at almost 1.4 times the return rate of certificates headed by nonveterans. According to another GAO study, one-quarter of selecting officials who returned a certificate unused to their personnel office in 1992 did so when they could not hire the candidate they wanted because a preference-eligible veteran was ranked higher.

Mr. Speaker, the Congress has repeatedly declared that our veterans deserve special consideration in Federal employment decisions because of their vital contributions to our Nation's security. This bill continues that tradition.

Mr. Speaker, S. 1021 is a good bipartisan bill that strengthens veterans' preference in the Federal Government. It will give our veterans the help they deserve in obtaining and retaining civilian employment within the Federal Government. Our veterans have given so much to allow us to live the wonderful lives that we live. They have given so much of their lives to make it possible for us to have the freedom that we have. Therefore, I urge all my colleagues to support this very important legislation.

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

Mr. MICA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a tireless worker and advocate on behalf of our veterans and our Federal employees.

Mrs. MORELLA. I thank the gentleman for yielding me this time, Mr. Speaker. I must say, I am so pleased to see this bill come back under suspension because, as was mentioned, this will be the fourth time around. Twice during the 104th Congress did we pass it in this House and last year in the 105th Congress, and now as we are in our waning days of the 105th Congress, it has come back from the Senate slightly changed but one that will indeed enhance veterans employment opportunities, something that is quite needed.

I want to commend the gentleman from Florida (Mr. MICA). He has been there from the very start. Really it has been his concept that he developed and he crafted, and he has kind of guided it through so many years where there have been tremendous difficulties. And so congratulations to the gentleman from Florida (Mr. MICA) on a great job. He has already indicated our commendation to the chairman of the committee and the ranking member and also the ranking member of the subcommittee the gentleman from Maryland (Mr. CUMMINGS) who is here and the others who have cared about this particular issue.

Basically what it does is it simply, I guess I would call it a bill that enhances and enforces employment opportunities for veterans. It does not do anything about special, I will not say efforts but special privileges for them, but it gives them what they deserve, to make sure that they are getting equal access, a kind of a fair, level playing field and fairness in employment. I like the fact that it sets up also an accountability concept where, for instance, Federal agencies will notify OPM, the Office of Personnel Management and U.S. employment offices of each vacant position for which competition would include those individuals having competitive service which means our veterans. So that is the kind of accountability. And the fact that violations of veterans' preferences would be prohibited under personnel policies and especially the redress mechanism, to ensure that veterans' rights are protected.

□ 2320

So I am pleased, Mr. Speaker, that this bill is finally getting through under suspension, and it is important because it makes us remember the veterans who have given so much to us and so much to this country. They deserve no less. And so I support S. 1021.

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

I just want to say we have no speakers, Mr. Speaker, but I just wanted to pause to again express my appreciation to our entire subcommittee and our committee for all that has been done for our veterans. They are very, very important people, and I know in my State of Maryland when I visit with veterans and they come to visit me, I am constantly reminded of the role that they play in making our lives the best that they can be. So, Mr. Speaker, since we have no further speakers, again I want to thank the gentleman from Florida (Mr. MICA) him for his cooperation.

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

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

I have no further speakers, but I would like to take this opportunity to close. Mr. Speaker, this legislation indeed is a significant step forward for all of America's veterans. That is why all of the major veterans service organizations in the United States support this bill. They and the 12 million veterans they represent know how much veterans will benefit when we pass this legislation this evening. I thank these organizations and the many, many veterans who have contacted me and other Members for their very strong support, active participation and hard work to make this legislation possible. Their efforts were indispensable.

Mr. Speaker, America owes a very great and deep debt of gratitude to the men and women who have kept our Nation free and strong and who fought our battles and served in lonely and harsh outposts around the world to preserve the peace. This bill will not repay that debt. No measure this Congress can enact will ever fully repay that debt. But S. 1021 is a down payment and, in fact, a good one.

The gentleman from Arizona (Mr. STUMP) has called my bill the most significant advance in veterans' preference in 50 years. That can also be said of this legislation, S. 1021. The relief and benefit it will bring to those who have served our Nation under arms is long overdue. This bill commands the support of every Member of the House.

So in closing I urge my colleagues to pass this legislation this evening so it can be made the law of the land. We can do no less for those who have done so much.

Mr. SESSIONS. Mr. Speaker, I am proud to give my support for S. 1021, the Veterans Employment Act of 1998. As a member of the Government Reform and Oversight Committee, I actively supported and voted for passage of H.R. 240, the Veterans Employment Opportunities Act of 1997. I am pleased to see the successful negotiations between the House and Senate have allowed a vote on this important reform of the federal employment hiring system.

This legislation equalizes the treatment of military and civilian employees when seeking employment within the federal government. The bill provides preference to our veterans—the same preference that civilian employees currently receive in the federal employment system. I supported this effort to instill fairness in the employment process and reward those veterans who provided us with our most sacred principle—freedom.

I am very pleased that we are going to pass this bill today and encourage all of my colleagues to vote for its passage.

Mr. STUMP. Mr. Speaker, I rise today to voice my support for S. 1021, the Veterans Employment Opportunities Act of 1998. This

bill originated in the House as H.R. 240 under the guidance of Representative JOHN MICA, Chairman of the Subcommittee on Civil Service, and passed the House on April 9, 1997. S. 1021 provides improvements to veterans' preference and employment opportunities and strengthens veterans' employment rights with federal contractors.

Mr. Speaker, through veterans' preference, wartime and disabled veterans get a small advantage competing for federal jobs, along with promotion and retention protection. To date, veterans comprise 27.6 percent of the federal workforce. The bill in its entirety demonstrates the commitment of the Congress to America's 26 million veterans that preference for federal jobs is an important way to share the sacrifices of war.

I'd like to thank Chairman SPECTER of the Senate Veterans Affairs Committee for two provisions in particular. Section 6 expands and improves veterans' employment under federal contracts, and expands the definition of who is a 'covered veteran' by including veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been awarded. Section 7 requires federal contractors to include the maximum number and the minimum number of employees in their annual reports on veteran's employment. Both of these provisions are designed to afford additional protection to preference eligible veterans employed by Federal contractors.

This bill is the most significant improvement in veterans' preference in my memory and it deserves the strong support of the House. I urge my colleagues to support S. 1021.

Finally, Mr. Speaker, on behalf of all veterans, I'd like to express my thanks and sincere appreciation to Chairman JOHN MICA as well the Ranking Member, ELIJAH CUMMINGS, and all of their staff for the commitment that they continue to show to our men and women who have proudly served our country in the U.S. Armed Forces.

Mr. PAPPAS. Mr. Speaker, I rise today to support our veterans by calling for the passage of the S. 1021, the Veterans Employment Opportunity Act of 1998. Last year, the House did the right thing by passing H.R. 240 introduced by Representative MICA. This legislation is the Senate's long awaited companion bill and, while I wish it had gone further in its protection of veterans from Reductions In Force, nonetheless it also deserves our passage today.

For too long many of our nation's veterans have been neglected by our own government when it comes to obtaining federal employment. Our nation's veterans, who served so selflessly and risked their lives, face unnecessary restrictions that preclude them from federal employment. All they simply desire is the opportunity to continue serving their nation.

As the result of this legislation, veterans can apply for federal jobs on a more competitive basis at a time when their employment within the federal workforce is declining and approaching an historically low level.

This is a bipartisan bill and one that reflects the interests of the people who have served our country so courageously. I am proud that this legislation has the support of the American Legion. I commend Mr. MICA for his work and urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, H.R. S. 1021.

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

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES LIFE INSURANCE IMPROVEMENT ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2675) to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Life Insurance Improvement Act''.

SEC. 2. STUDY AND REPORT ON CERTAIN LIFE INSURANCE OPTIONS OFFERED TO FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than July 31, 1998, the Office of Personnel Management shall conduct a study on life insurance options for Federal employees described under subsection (b) and submit a report to Congress.

(b) STUDY AND REPORT.—The study and report referred to under subsection (a) shall—

(1) survey and ascertain the interest of Federal employees in an offering under chapter 87 of title 5, United States Code, of insurance coverage options relating to—

(A) group universal life insurance;

(B) group variable universal life insurance; and

(C) additional voluntary accidental death and dismemberment insurance; and

(2) include any comments, analysis, and recommendations of the Office of Personnel Management relating to such options.

SEC. 3. REPEAL OF MAXIMUM LIMITATION ON EMPLOYEE INSURANCE.

Chapter 87 of title 5, United States Code, is amended—

(1) in section 8701(c), in the first sentence, by striking the comma immediately following ''$10,000'' and all that follows and inserting a period; and

(2) in section 8714b(b), in the first sentence, by striking ''except'' and all that follows and inserting a period.

SEC. 4. FOSTER CHILD COVERAGE.

Section 8701(d)(1)(B) of title 5, United States Code, is amended by inserting ''or foster child'' after ''stepchild'' both places it appears.

SEC. 5. INCONTESTABILITY OF ERRONEOUS COVERAGE.

Section 8706 of title 5, United States Code, as amended by section 5(2), is further amended by adding at the end the following new subsection:

''(g) The insurance of an employee under a policy purchased under section 8709 shall not be invalidated based on a finding that the employee erroneously became insured, or erroneously continued insurance upon retirement or entitlement to compensation under subchapter I of chapter 81 of this title, if such finding occurs after the erroneous insurance and applicable withholdings have been in force for 2 years during the employee's lifetime.''.

SEC. 6. DIRECT PAYMENT OF INSURANCE CONTRIBUTIONS.

Chapter 87 of title 5, United States Code, is amended—

(1) in section 8707—

(A) in subsection (a), by striking ''(a) During'' and inserting ''(a) Subject to subsection (c)(2), during'';

(B) in subsection (b), by striking ''(b)(1) Whenever'' and inserting ''(b)(1) Subject to subsection (c)(2), whenever''; and

(C) in subsection (c), by inserting ''(1)'' immediately after ''(c)'' and by adding at the end the following new paragraph:

''(2) An employee who is subject to withholdings under this section and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system that administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this section.'';

(2) in section 8714a(d), by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue optional insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system which administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.'';

(3) in section 8714b(d), by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue additional optional insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system which administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.''; and

(4) in section 8714c(d), by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue optional life insurance on family members if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system that administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.''.

SEC. 7. ADDITIONAL OPTIONAL LIFE INSURANCE CONTINUATION AND PORTABILITY.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

''(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

''(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

''(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the

beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

''(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

''(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

''(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

''(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A).

''(5)(A) An employee whose additional optional insurance under this section would otherwise stop in accordance with paragraph (1) and who is not eligible to continue insurance under paragraph (2) may elect, under conditions prescribed by the Office of Personnel Management, to continue all or a portion of so much of the additional optional insurance as has been in force for not less than—

''(i) the 5 years of service immediately preceding the date of the event which would cause insurance to stop under paragraph (1); or

''(ii) the full period or periods of service during which the insurance was available to the employee, if fewer than 5 years,

at group rates established for purposes of this section, in lieu of conversion to an individual policy. The amount of insurance continued under this paragraph shall be reduced by 50 percent effective at the beginning of the second calendar month after the date the employee or former employee attains age 70 and shall stop at the beginning of the second calendar month after attainment of age 80, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Office. Alternatively, insurance continued under this paragraph may be reduced or stopped at any time the employee or former employee elects.

''(B) When an employee or former employee elects to continue additional optional insurance under this paragraph following separation from service or 12 months without pay, the insured individual shall submit timely payment of the full cost thereof, plus any amount the Office determines necessary to cover associated administrative expenses, in such manner as the Office shall prescribe by regulation. Amounts required under this subparagraph shall be deposited, used, and invested as provided under section 8714 and shall be reported and accounted for together with amounts withheld under section 8714a(d).

''(C)(i) Subject to clause (ii), no election to continue additional optional insurance may be made under this paragraph 3 years after the effective date of this paragraph.

''(ii) On and after the date on which an election may not be made under clause (i), all additional optional insurance under this paragraph for former employees shall terminate, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Office.''; and

(2) in the second sentence of subsection (d)(1) by inserting ''if insurance is continued as provided under subsection (c)(3)(A),'' after ''except that,''.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Office of Personnel Management shall submit a report to Congress on additional optional insurance provided under section 8714b(c)(5) of title 5, United States Code (as added by subsection (a) of this section). Such report shall include recommendations on whether continuation for such additional optional insurance should terminate as provided under such section, be extended, or be made permanent.

(c) TECHNICAL AMENDMENT.—The last sentence of section 8714b(d)(1) of title 5, United States Code, is amended by inserting ''(and any amounts withheld as provided in subsection (c)(3)(B))'' after ''Amounts so withheld''.

SEC. 8. IMPROVED OPTIONAL LIFE INSURANCE ON FAMILY MEMBERS.

(a) IN GENERAL.—Section 8714c(b) of title 5, United States Code, is amended to read as follows:

''(b)(1) The optional life insurance on family members provided under this section shall be made available to each eligible employee who has elected coverage under this section, under conditions the Office shall prescribe, in multiples, at the employee's election, of 1, 2, 3, 4, or 5 times—

''(A) $5,000 for a spouse; and

''(B) $2,500 for each child described under section 8701(d).

''(2) An employee may reduce or stop coverage elected pursuant to this section at any time.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8714c of title 5, United States Code, is amended—

(1) in subsection (c)(2), by striking ''section 8714b(c)(2) of this title'' and inserting ''section 8714b(c) (2) through (4)''; and

(2) in subsection (d)(1), by inserting before the last sentence the following: ''Notwithstanding the preceding sentence, the full cost shall be continued after the calendar month in which the former employee becomes 65 years of age if, and for so long as, an election under this section corresponding to that described in section 8714b(c)(3)(B) remains in effect with respect to such former employee.''.

SEC. 9. OPEN SEASON.

Beginning not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall conduct an open enrollment opportunity for purposes of chapter 87 of title 5, United States Code, over a period of not less than 8 weeks. During this period, an employee (as defined under section 8701(a) of such title)—

(1) may, if the employee previously declined or voluntarily terminated any coverage under chapter 87 of such title, elect to begin, resume, or increase group life insurance (and acquire applicable accidental death and dismemberment insurance) under all sections of such chapter without submitting evidence of insurability; and

(2) may, if currently insured for optional life insurance on family members, elect an amount above the minimum insurance on a spouse.

SEC. 10. MERIT SYSTEM JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1) by striking ''within 30 days'' and inserting ''within 60 days''; and

(2) in subsection (d) in the first sentence, by inserting after ''filing'' the following: '', within 60 days after the date the Director received notice of the final order or decision of the Board,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and apply to any suit, action, or other administrative or judicial proceeding pending on such date or commenced on or after such date.

SEC. 11. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) MAXIMUM LIMITATION ON EMPLOYEE INSURANCE.—Section 3 shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(c) ERRONEOUS COVERAGE.—Section 5 shall be effective in any case in which a finding of erroneous insurance coverage is made on or after the date of enactment of this Act.

(d) DIRECT PAYMENT OF INSURANCE CONTRIBUTIONS.—Section 6 shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(e) ADDITIONAL OPTIONAL LIFE INSURANCE.—

(1) IN GENERAL.—Section 7 shall take effect on the first day of the first pay period that begins on or after the 180th day following the date of enactment of this Act, or on any earlier date that the Office of Personnel Management may prescribe that is at least 60 days after the date of enactment of this Act.

(2) REGULATIONS.—The Office shall prescribe regulations under which an employee may elect to continue additional optional insurance that remains in force on such effective date without subsequent reduction and with the full cost withheld from annuity or compensation on and after such effective date if that employee—

(A) separated from service before such effective date due to retirement or entitlement to compensation under subchapter I of chapter 81 of title 5, United States Code; and

(B) continued additional optional insurance pursuant to section 8714b(c)(2) as in effect immediately before such effective date.

(f) IMPROVED OPTIONAL LIFE INSURANCE ON FAMILY MEMBERS.—The amendments made by section 8 shall take effect on the first day of the first pay period which begins on or after the 180th day following the date of enactment of this Act or on any earlier date that the Office of Personnel Management may prescribe.

(g) OPEN SEASON.—Any election made by an employee under section 9, and applicable withholdings, shall be effective on the first day of the first applicable pay period that—

(1) begins on or after the date occurring 365 days after the first day of the election period authorized under section 9; and

(2) follows a pay period in which the employee was in a pay and duty status.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 2675.

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

There was no objection.

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

My colleagues, this legislation makes improvements in the Federal Employees Group Life Insurance program generally called FEGLI. The House passed this bill after the Subcommittee on Post Office Civil Service conducted the most comprehensive review of benefits under this program in over 40 years.

As a result of this legislation, there will be major improvements in the life insurance benefits for our Federal employees for the first time in 16 years. Our Federal employees will be able to obtain better life insurance for themselves, their spouses and their children.

They will also be able to carry more insurance into retirement.

The House bill required the Office of Personnel Management to submit a legislative proposal for offering group universal life insurance, group variable life insurance and voluntary additional accidental death and dismemberment to Federal employees. The Senate has substituted a requirement that the Office of Personnel Management review and study this matter. I believe OPM can and should submit that study within 6 months and recommend to the Congress legislative language to make these life insurance options available to our Federal employees.

The Office of Personnel Management will not be required to establish a new Federal program to make this insurance available. Commercial insurance carriers have been offering these products to private sector employees for years. The Office of Personnel Management should be able to find suitable products virtually off the shelf. There is no need, in fact, to reinvent the wheel.

It is important that Federal employees and also our Federal retirees be given these up-to-date choices. It would be the first time since the program was started in 1954 that employees would have a life insurance choice other than just term insurance.

The Senate amendment also allows Federal employees to purchase life insurance for their foster children and allows them to pay their life insurance premiums directly under certain circumstances. The amendments also allow individuals who are wrongly covered by life insurance to remain covered if the policy has been in force for 2 years. The Senate also expanded the open season during which our Federal employees may begin or increase their life insurance.

One final amendment, not related to life insurance, provides the Office of Personnel Management employees with an additional 30 days to appeal Merit Systems Protection Board decisions to the United States Court of Appeals for the Federal circuit.

This is a good bill. A long overdue review of this program and Federal employees will benefit from the improvements we make with this legislation. I urge all Members to support this legislation.

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

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

Mr. Speaker, H.R. 2675 is designed to improve the structure and administration of the Federal Employees Group Life Insurance program provided by the Federal Government for its civilian employees and retirees. FEGLI was established in 1952 and is managed by the Office of Personnel Management. Since 1954 it has been administered by Metropolitan Life Insurance Company through a contract with OPM. FEGLI provides low cost life insurance coverage to Federal employees and retirees.

Enrollees have a choice of basic life insurance, six levels of additional life insurance, family insurance, three options with respect to post-retirement basic insurance and accelerated payments options for the terminally ill.

□ 2330

Nearly 90 percent of the eligible Federal work force participates in the program. The gentleman from Florida (Chairman MICA) and I, along with all of the members of the Subcommittee on Civil Service, were able to work together to develop legislation that would have implemented some excellent recommendations we receive from the witnesses at an oversight hearing we held on FEGLI last year.

However, some of the provisions implementing these recommendations were dropped when the Senate considered the bill. The House bill directed the Office of Personnel Management to submit draft legislative proposals for group universal life, group variable life, and accidental death and dismemberment insurance coverage within 6 months of passage of this legislation.

The Senate version requires OPM to merely conduct a study on these additional forms of insurance, rather than submit legislative proposals. While we can accept the Senate language on this issue, we strongly urge OPM to include in their study recommendations for legislative changes that may provide new life insurance options for Federal employees.

Included in the bill is a provision that will give enrollees the opportunity to continue the full extent of their life insurance coverage after they reach 65. By doing this, we will be providing a measure of comfort and convenience to many who would still have a desire to provide for the security of their loved ones. They will no longer have to seek out a new insurance company from which to purchase life insurance, something often difficult and expensive to do at that late stage in life.

I offered an amendment to H.R. 2675 during our subcommittee's markup of the bill, which added a provision that would enable enrollees to purchase an increased amount of insurance coverage for their spouse and dependent children.

Clearly the present levels of coverage available, $5,000 for one's spouse and $2,500 for each child are inadequate. They neither compensate for the loss nor cover average burial expenses. My amendment would make it possible for enrollees to obtain coverage for their spouse and dependent children up to five times the current levels. I am pleased to see that this important provision is still in the bill.

Additional provisions added to the bill by the Senate were to eliminate Basic insurance maximum limitation, make erroneous FEGLI coverage incontestible if discovered after 2 years of withholding, allow direct payment option for any enrollee whose pay or annuity will not cover withholdings, implements a 3-year demonstration program that would allow employees who separate before retirement to continue Option B coverage for 5 years, by paying usual group rates, covers a foster child in the Family Optional insurance, and provides for open enrollment period following enactment of the bill.

Mr. Speaker, once again, I believe that we still have a very good bipartisan bill. I strongly urge all Members to give their support, Mr. Speaker.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a member of our Subcommittee on Civil Service and, again, a tireless advocate for our Federal employees and retirees.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of the Federal Employees Life Improvement Act, and I want to thank our chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Maryland (Mr. CUMMINGS) for their leadership on this issue.

This issue coming up at this hour of the night may just be the kind of the insomnia that people who are watching might well need. However, for Federal employees, it is critically, critically important.

The legislation will provide better life insurance benefits to Federal employees under the Federal Employees Group Life Insurance Program, the FEGLI Program. It is an important program. It provides Basic and Optional Life insurance coverage for almost 2.5 million Federal employees and 1.6 million retirees.

The legislation fulfills the legislative goal that I began to pursue in 1993 through legislation I introduced, H.R. 3297. The goal of that legislation was to extend the treatment currently afforded to Federal judges under FEGLI to other judicial officials.

Since 1993, I worked to get this important provision enacted into law, and now this important goal is realized through the increase in the class of eligible Federal employees who may choose this coverage during open enrollment that this bill provides.

The version of the bill we passed in the House of Representatives directed the Office of Personnel Management to conduct a study of Federal employees' interest in additional insurance proposals and to submit a legislative proposal to offer group universal life insurance and group variable universal life insurance policies under FEGLI within 6 months.

The Senate language differs from the House version in that it does not mandate that OPM submit a legislative proposal, but instead requires OPM to submit findings to Congress by July 31.

While I think it is beneficial to compel OPM to submit a legislative proposal, this difference does not affect

my support for this legislation because of its many other benefits. The legislation also incorporates a component of legislation I introduced in the last Congress to increase the amount of additional optional life insurance for dependents from the present level.

Although it does not mirror my proposal exactly, my proposal would have only included dependents with severe disabilities. This approach makes sense in that it will include a larger risk pool and reduce the costs. I thank the chairman for introducing this measure.

Finally, the bill provides Federal employees with the opportunity to continue the full extent of their life insurance coverage after they reach age 65. Under current law, when Federal employees reach age 65, they cease making premium payments, and the face value of the employees life insurance is reduced by 2 percent each month for 50 months. Giving Federal retirees the opportunity to purchase life insurance benefits is a great accomplishment. I simply encourage my colleagues to support this bill, H.R. 2675.

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

I want to thank my colleague, the gentlewoman from Maryland, when she talked about insomnia. I am sure, hopefully, we will be able to wake some people up with all this good news we are imparting here tonight.

But with that, Mr. Speaker, I just want to again reiterate this is another piece of legislation that would not have been possible without the bipartisanship efforts on the part of our subcommittee.

This is a very important piece of legislation because it once again sheds light on the fact that we care about our Federal employees who make it possible for us to do our jobs the way we do them and certainly to support our Nation.

Mr. Speaker, I urge all of my colleagues to support this legislation.

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

Mr. MICA. Mr. Speaker, I have no additional speakers, and I yield myself the balance of my time.

Mr. Speaker, first I just want to take a moment to thank again the ranking member, the gentlewoman from Maryland (Mrs. MORELLA) and other members of our subcommittee.

Tonight we brought before the House two pieces of legislation, the Veterans Employment Opportunity Act, which provides veterans preference, which is something our veterans have sought for decades since really World War II. It is an important piece of legislation. The staff and Members, in a bipartisan fashion, showed today what we can do working together.

Today has been a difficult day for the Congress and for the American people. It does show, in fact, what we can all do for the benefit of those who served us.

Finally, on this bill, this bill is important because we have over 4 million Federal employees and retirees.

□ 2340

This bill saves money for the taxpayer. This program has not been bid or really examined in some number of decades, and we can provide better benefits at lower cost to those who are actively serving us in Federal employment now.

So I ask my colleagues to support this legislation, and I urge all Members to support this bill tonight.

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and concur in the Senate amendments to the bill H.R. 2675.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CHILDREN AND FAMILIES

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) recognizing the importance of children and families in the United States and expressing support for the goals of National KidsDay and National Family Month.

The Clerk read as follows:

H. CON. RES. 302

Whereas there is an epidemic of children in crisis in the United States caused by the increased stresses on children from contemporary society, which can even include instances of child abuse and neglect;

Whereas newspaper headlines, news reports, and various studies provide evidence that children are more frequently committing acts of violence, taking illegal drugs, and committing suicide, indicating that the future of the children of the United States, and therefore the future of the Nation, is at risk;

Whereas all families in the United States, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society while trying to raise and nurture their children;

Whereas it is imperative that the people of the United States act boldly to secure the future of the Nation by halting and healing the pain of children in crisis;

Whereas KidsPeace is the oldest, most successful, and most comprehensive not-for-profit organization dedicated solely to helping children attain the confidence and develop the courage necessary to confront and overcome crises;

Whereas KidsPeace has more than 1,500 caregivers helping more than 2,000 children each day in 25 locations across the United States;

Whereas KidsPeace established National KidsDay and National Family Month to recognize and focus attention on relationships between parents and children;

Whereas National KidsDay is celebrated on the third Saturday of September, during the period when children are returning to school, when children are subject to a very high level of stress, and when there is a critical need for children to feel honored, valued, supported, and loved;

Whereas National Family Month is celebrated during the five-week period between Mother's Day in May and Father's Day in June, which is a critical adjustment period for families to prepare for children to return to the home at the end of the school year and can provide a wonderful opportunity for families to prepare to use their time together during the summer to grow and strengthen as a family unit; and

Whereas these celebrations can provide opportunities for parents, grandparents, and caregivers to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore be it

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

(1) recognizes the importance of children and families to the future of the United States;

(2) expresses support for the goals of National KidsDay and National Family Month, as established by KidsPeace; and

(3) encourages the people of the United States to participate in local and national activities and celebrations recognizing National KidsDay and National Family Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 302.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Con. Res. 302, which recognizes the importance of children and families in the United States, and I express my support for Kidsday and National Family Month. I particularly want to commend the sponsor of the bill, the gentleman from Pennsylvania (Mr. MCHALE) and the chairman and ranking member for bringing this bill to the floor.

Kidsday and National Family Month were established by KidsPeace, a special organization dedicated to helping children in crisis. KidsPeace believes that every child is unique, and that children are helped the most by their mothers and fathers, the people who are closest to them.

We all have a responsibility to protect and support America's children. Mr. Speaker, 1 out of every 4 Americans is a child. Children are our hope for the future, our chance for renewal. They carry on our values and our ideals.

Childhood should be a time of learning and of play, and a time to be sheltered from the wickedness of the outside world. However, children and youth today are coping with increasingly serious problems that are robbing them of their innocence, security and physical safety. Violence in the schools

as well as on the streets, the availability of drugs, greater numbers of working parents, and soaring divorce rates are taking a toll on kids far sooner than in past generations.

Today, many children spend long hours after school and on weekends unsupervised. They need and often admit wanting some guidance in facing the many challenges of their lives.

One in 5 children entering school this year is living in poverty. Half a million of those children were born to teenage mothers. Analysis of U.S. census data indicates that if the single parent family trend continues, half of all children born in the United States last year will live with a single parent by the time they are 18 years old.

As Americans, we enjoy the highest standard of living in the world. Our economy is one of the most dynamic and diverse in history. We have achieved a level of technological advancement and individual opportunity that is unequaled around the globe. Without a doubt, America is on top of the world.

But the future of America's greatness depends upon how we care for and support our children in the present. Setting aside a time to focus on children and families is important to America's future. National Kidsday is celebrated on the third Saturday of September, and National Family Month is celebrated during the 5-week period between Mother's and Father's day. I encourage all Americans to participate in local activities during the celebration of these 2 commemoratives, and I encourage my colleagues to support wholeheartedly this important resolution.

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

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

Mr. Speaker, as ranking member of the Subcommittee on Civil Service I would like to commend the gentleman from Pennsylvania (Mr. MCHALE) for the development of this bipartisan resolution.

House concurrent resolution 302 will help to address challenges children a generation ago did not have to face: Drugs, violence, separation from parents, failing schools, peer group demands, and much, much more.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MCHALE) for a further explanation of this bipartisan resolution.

Mr. MCHALE. Mr. Speaker, I rise this evening in strong support of H. Con. Res. 302, and I begin by thanking the gentlewoman from Maryland (Mrs. MORELLA), my former chair of the Committee on Science on which I had the privilege to serve, and most especially the gentleman from Maryland (Mr. CUMMINGS) for both the opportunity to speak this evening and their willingness to bring this legislation to the floor.

I will be leaving in just a few days to return to what matters most to me: my wife and my children. It is with great pride that I have served in this body and with some sadness that I near my final days as a Member of Congress. About a year ago, Mr. Speaker, my 7-year-old approached me as I was leaving for Washington on a Monday morning, and with recognition, not really complaint, he said, ''Dad, you have been gone my whole life,'' and at that point I realized that at least for this Member of Congress, it was time to go home.

Today's society, as noted by the gentlewoman from Maryland (Mrs. MORELLA) places increasing demands on children and families and has unfortunately left many children in crisis and feeling that they have nowhere to turn for help. News of children becoming involved in violence, crime, drugs and so on indicates that we as a Nation must pay greater attention to the needs of children and families.

For this reason, I urge my colleagues to support this resolution which recognizes the importance of children and families in the United States. I introduced this resolution with the gentleman from Virginia (Mr. WOLF), the gentleman from Indiana (Mr. ROEMER), the gentlewoman from Ohio (Ms. PRYCE), the gentleman from Tennessee (Mr. FORD), and numerous other Members who have been such strong advocates for children. I would also like to extend my special thanks to the gentleman from North Carolina (Mr. JONES) who is on the floor as I speak, as well as the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform and Oversight, and the ranking member, the gentleman from California (Mr. WAXMAN) who helped to bring this resolution to the floor.

Mr. Speaker, H. Con. Res. 302 which has 44 bipartisan cosponsors, also expresses support for the goals of National Kids Day and National Family Month. These events were launched by KidsPeace, the National Center for Kids Overcoming Crisis, the largest, most comprehensive private nonprofit organization in the Nation dedicated to serving the critical needs of children and teens.

Headquartered in my district, KidsPeace has become a model of community involvement and improvement. KidsPeace programs include residential treatment centers, the National Hospital for kids in Crisis, foster care in 6 States, community and diagnostic programs, a 24-hour help line, and an accredited school system for grades 1 through 12, and a referral network of thousands of health care providers across the country.

For more than 115 years, KidsPeace has been helping kids develop the confidence and skills to overcome developmental and situational crises in their lives. KidsPeace serves more than 2,000 children every day with 32 programs in 25 locations across the United States.

Mr. Speaker, let me deviate from my prepared text for just a moment. KidsPeace's ability to serve our Nation and my community in particular has not always been a resource available to us. I had the privilege of serving in our State legislature before I came to the Congress, and I remember very clearly about a decade ago when I received a phone call from a family absolutely desperate because they had a teenager in crisis. That child had nowhere to turn. There was no medical facility in our region of the State able to provide the care that that child and that that family needed at that very desperate time. KidsPeace addresses that need today with professional medical care under circumstances where it did not previously exist.

KidsPeace has demonstrated an extraordinary commitment to assisting children and families across the country. National Kids Day and National Family Month were developed by KidsPeace as events to focus on parent-child and family relationships and provide positive encouragement for children to face successfully life's challenges. As a parent who has participated in National Kids Day activities in my district, I strongly support the establishment of these events as recognition of the importance of children and families.

Margaret Mead once said, ''We must have a place where children can have a whole group of adults they can trust.''

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These words very poignantly describe the work of KidsPeace in helping children overcome the challenges and crises in their lives. Helping children feel safe, trusted, loved, and empowered is the heart of the KidsPeace mission.

It is my hope that this resolution will call attention to the needs of children and families in the United States and throughout National KidsDay and National Family Month and thereby help families affirm their love and support for their children. I urge my colleagues to vote for this bipartisan resolution.

Mr. Speaker, I am going to conclude simply by saying that this Member of Congress realized that I could continue serving in this body or I could be a decent husband and father. And under the unique circumstances of my family, I realized that I could not do both. I made the decision to return home with enormous feelings of gratitude and respect for this institution.

This is probably the last time I will speak at a microphone in the House of Representatives, and I could not find a better topic than to address the needs, the love, the support that we as a Nation and we as an individual need to bring to the families of our country. I am pleased to close my career in this House on that note.

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

Mr. Speaker, I wish the 7-year-old child of the gentleman from Pennsylvania (Mr. MCHALE) could have heard him this evening. And, indeed, I hope

the gentleman will save the CONGRESSIONAL RECORD that will have ensconced the speech that he just gave, because it was from the bottom of his heart.

Mr. Speaker, I would use this opportunity to express my warm feelings and respect for the gentleman from Pennsylvania and for the dedication that he has given to this body, knowing him from his service on the Committee on Science with me and as an individual and as a colleague, and knowing the courage that he has shown and the commitment that he made to our country.

So, we wish the gentleman well and thank him very much for what he has done. I think this is a nice commemoration to PAUL MCHALE.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me the time.

Mr. Speaker, I rise tonight to commend the gentleman from Pennsylvania (Mr. MCHALE), my good friend and colleague, for introducing this resolution. Our cshildren are our future. They are tomorrow's leaders. My colleagues who are parents like myself know that when a child is upset or frustrated or feeling low, it is painful.

There are outside pressures that can affect our children's everyday life: academic stresses, struggles to feel accepted, and teen violence just to name a few. These are the issues that put our children at a crossroads and these are the issues that KidsPeace helps our children and Nation's families solve.

KidsPeace is a nonprofit organization that offers educational awareness programs and tools dedicated to help our families anticipate, intervene in, and overcome the crises that affect America's children. For our Nation's most rural communities, like those in eastern North Carolina which I have the privilege to serve, these are valuable programs that can provide our children with relief from the problems they face growing up.

Too many of our rural schools have limited resources which make it difficult to maintain the number of school counselors that are needed to help our children build the confidence to overcome their problems. Because of this, as KidsPeace continues to grow, it is vital that it continues to reach out to America's rural communities and communities throughout the Nation.

Even with a strong faith in God and the support of family and friends, our children sometimes need extra encouragement. This is what KidsPeace is working to do, to build confidence in our Nation's children through sharing and learning.

The organization has established a KidsDay in September for communities and families to honor our children during the stressful time of returning to school. KidsPeace also dedicates time each summer to National Family Month, a time for parents and children to build and strengthen the family bond.

Mr. Speaker, our children are our future, and that reminds me somewhere along the way I have heard that if one wants to touch the past, they touch a rock. If they want to touch the present, they touch a flower. If they want to touch the future, they touch a child.

So, in closing, Mr. Speaker, I would like to say to my colleague who is leaving us, PAUL, you have made a tremendous impact on America because of the type of man that you are. A man of character, a man of integrity. You will long be remembered and appreciated for your contribution to this Nation.

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

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. JONES) for his splendid commentary on the importance of recognizing families and children and programs in the system.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to express my support for H. Con. Res. 302, which is a piece of legislation which deals with the importance of children and families in the United States and expresses our support for the goals of the National KidsDay and National Family Month.

This legislation was sponsored by, of course, the gentleman from Pennsylvania (Mr. MCHALE) our good friend. The gentleman is a great U.S. Congressman who is retiring from this body, and I join with the others tonight in saluting him as a great patriot.

Mr. Speaker, I knew the gentleman when I served together with him in the Pennsylvania State House of Representatives. He left that service to go on active duty for the Desert Storm conflict, where he served as an outstanding Marine officer. He has been serving with that particular military organization for at least two decades.

PAUL MCHALE has always been a principled leader, an advocate for children and families in Pennsylvania as well as in this U.S. Congress, and a member and strong leader of the Children's Legislative Caucus, and a pioneer in public-private partnerships such as KidsDay and other legislation dealing with children, for which this legislation is enunciated.

But the gentleman has always been a bipartisan statesman, a role model who has shown that courage and honesty count. I hope that we will soon see, years after his children grow up, and as they do I hope they will allow us to have the gentleman return to public service where he could become Secretary of Defense or to another elected official position.

Certainly, we need him in this country. His family may need him, but the country needs him as well. We certainly acknowledge his service today as being exemplary. We are proud to know him as our colleague and proud to have him as our friend. We know that his family is proud of what he has done as well.

God bless him. Godspeed.

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

Mr. Speaker, I wish to commend KidsPeace for its work over the past century helping children overcome all sorts of crises. National KidsDay and National Family Month, both established by KidsPeace, compel all Americans to focus on parent, child, and family relationships. These celebrations encourage parents and grandparents and caregivers to be involved in the lives of their children.

I believe we should all spend time every day nurturing and encouraging the children that we encounter in our lives. This Member of Congress can certainly appreciate the work of KidsPeace. Every child, which is not always the case, has four fundamental needs that must be fulfilled to lead a peaceful and healthy life: Safety to feel safe and protected; trust to be confident, hopeful and assured; love to be valued and unconditionally accepted; and power to be a child and pursue a purpose, skill, or challenge.

This resolution recognizes KidsPeace, an organization that works hard to meet those needs. Through its good work, KidsPeace helps restore the health and happiness of children who are suffering through crises and traumas.

The demand for organizations such as KidsPeace is apparent. From 1991 to 1992, the organization saw a 150 percent increase in the number of kids coming to it for help. That is when KidsPeace stepped forward on a national level with public initiatives to help prevent and overcome crises that can strike any child.

This extra push to alert Americans to the needs of our children could not come at a better time. Between 1990 and 1996, the number of children rose by more than 5 million to 69.4 million. The United States Census Bureau projects that the number of children will continue to rise over the next several decades reaching 77.6 million by the year 2000.

This resolution is worthy of our support and I urge the Members of this body to do so.

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

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

I think it is appropriate for Congress to recognize the importance of children and families. My husband and I have been very fortunate to have been able to raise nine children, six who were the children of my late sister, and we now have 15 grandchildren. And so I can value and appreciate children and the need for families. KidsPeace really performs that kind of function.

It is an honor to be managing this particular resolution, which I think is

so very important. The institution of the family is, indeed, the bedrock of our society and of civilization, and without strong families, the outlook for children is bleak.

Mr. CUMMINGS. Mr. Speaker, I yield myself the balance of my time for just one brief statement.

On the stationery for KidsPeace there is a quote by George McDonald, and I think that it pretty much summarizes the life of our colleague, the gentleman from Pennsylvania (Mr. MCHALE), and the things that he talked about just a moment ago, and certainly I salute him. But the quote is very simple. It says: ''A man must learn to love his children not because they are his but because they are simply children.''

Mr. ROEMER. Mr. Speaker, I rise in strong support of H. Con. Res. 302, recognizing the importance of children and families in the United States and expressing support for the goals of National KidsDay and National Family Month. I want to thank Reps. PAUL MCHALE, FRANK WOLF, HAROLD FORD, NANCY JOHNSON and DEBORAH PRYCE, who joined me in introducing this resolution last July, as well as Rep. WALTER JONES and the many other Members who helped bring it to the floor today.

We live in an increasingly stressful society these days. Perhaps no one feels this stress more acutely than our nation's children. The pressures of crime, drugs, violence and broken homes are robbing many children of the joys of childhood. There is a growing concern that too many kids are in crisis, and that no one is speaking out for them or trying to help.

That is what this resolution is all about. It is a simple, straightforward, bipartisan appeal on behalf of the children in our nation to pay more attention to their needs, to provide them with a healthy and safe environment, and to give them hope for a secure and prosperous future. The resolution also expresses support for two particular initiatives which are being undertaken on behalf of kids: National KidsDay and National Family Month. Both of these initiatives have been created by KidsPeace, our nation's oldest and largest not-for-profit organization dedicated solely to serving the needs of kids in crisis.

National KidsDay, observed on the third Saturday in September, encourages parents, grandparents and caregivers to spend a day with their children just having fun, and giving them a break from the strains of everyday life. National Family Month is celebrated during the five-week period between Mother's Day and Father's Day. Each week focuses on a specific value that families should provide to their children, including; a safe and secure home; people they can trust; love and value; the power and freedom to grow; and hope for the future.

Mr. Speaker, children are our most precious gift. We cannot afford to let even one child slip through the cracks. KidsPeace and other organizations are doing a wonderful job of reaching out to those children who are most at risk in society, and helping them develop the courage and skills necessary to overcome crisis. But no matter how hard they try, these organizations cannot take the place of loving parents, stable homes, and a healthy environment in which kids can feel safe, loved and positive about their lives and their futures.

This resolution is small in scope but it is large in symbolism. It sends a message to children that we care about them, we understand their problems, we share their dreams, and we want them to enjoy life to the fullest. As Robert Kennedy said: ''When one of us prospers, all of us prosper. When one of us fails, so do we all.'' I urge my colleagues to support this resolution and five all our children a chance to prosper.

Mr. PAPPAS. Mr. Speaker, I rise today to support our veterans by calling for the passage of the S.1021, the Veterans Employment Opportunity Act of 1998. Last year, the House did the right thing by passing H.R. 240 introduced by Representative MICA. This legislation is the Senate's long awaited companion bill and, while I wish it had gone further in its protection of veterans from Reductions In Force, nonetheless it also deserves our passage today.

For too long many of our nation's veterans have been neglected by our own government when it comes to obtaining federal employment. Our nation's veterans, who served so selflessly and risked their lives, face unnecessary restrictions that preclude them from federal employment. All they simply desire is the opportunity to continue serving their nation.

As the result of this legislation, veterans can apply for federal jobs on a more competitive basis at a time when their employment within the federal workforce is declining and approaching an historically low level.

This is a bipartisan bill and one that reflects the interests of the people who have served our country so courageously. I am proud that this legislation has the support of the American Legion. I commend Mr. MICA for his work and urge my colleagues to support it.

Mr. CUMMINGS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and urge my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time and urge all Members to support this resolution.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 302.

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

A motion to reconsider was laid on the table.

CAMPAIGN FINANCE SUNSHINE ACT OF 1998

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2109) to amend the Federal Election Campaign Act of 1971 to require reports filed under such Act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt, as amended.

The Clerk read as follows:

H.R. 2109

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 ''Campaign Finance Sunshine Act of 1998''.

SEC. 2. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to reports for periods beginning on or after January 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) will control 20 minutes, and a Member opposed will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from Utah (Mr. COOK) and that he be allowed to manage that time, as I am about to lose my most valuable asset as a Member of Congress, and that is my voice.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, last year I introduced H.R. 2109, the Campaign Finance Reform Sunshine Act. H.R. 2109 requires candidates to file campaign finance disclosure forms electronically with the Federal Elections Commission. The

FEC, in turn, would be required to post these disclosures on the internet within 24 hours. My bill is not comprehensive reform, but it is reform Congress can enact this year. Equally important, the Supreme Court would not strike down my bill's reform because of first amendment issues.

I was heartened to see in January of this year the Federal Elections Commission decided to post reports on the internet. The FEC has posted all 1997 and 1998 reports filed by PACs, political parties, and presidential and House campaigns on its web site. Information dating back to 1993 will soon be available.

This move by the FEC is a giant step in the right direction. Computers and the internet are increasingly part of Americans' daily lives. Computers and the internet make it easier and less expensive for people to track fund-raising donations across the Nation. Until now, people have had to pay for a subscription service or come to the FEC headquarters here in Washington to examine the records. State residents would have to go to a lieutenant governor's office to review the records of Federal candidates from their States.

Now, as the saying goes, ''Sunshine is the best disinfectant.'' This rings true with H.R. 2109. Facilitation of public scrutiny provided in this legislation will do more to ensure ethical fundraising than a half dozen committee investigations. It is a fact of life that scrutiny breeds compliance.

Now, some may think the FEC decision this year makes my legislation unnecessary. But, really, the opposite is true. Currently, the FEC has no mandatory obligation or deadline for posting these reports. Now, while I am confident that FEC officials will post reports as quickly as possible in the final weeks of a nationwide campaign, like the House campaign this year, it may take days or weeks to get reports posted on the web at a time when the largest contributions are being made and the public interest is at its height.

In my view, the goal of any reform proposal would be to make it easier for citizens to know who funds their political campaigns, without trampling on any American's constitutional right to participate in the political process.

I want to thank majority and minority staff of the Committee on House Oversight, who worked with my staff to make technical changes that will bring bipartisan support for this important legislation.

In short, this legislation is progressive reform that can be passed by Congress with bipartisan support, can be signed into law, withstand judicial scrutiny, and it will benefit all Americans.

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

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Utah for yielding me this time.

Mr. Speaker, I should note at this juncture in the RECORD that the illness which afflicts our good friend from Florida, I suppose there are some in this chamber, indeed, perhaps quite a few in this chamber, who do not wish ill upon anyone, but perhaps would like to see that affliction of the voice visited upon this Congressman from Arizona from time to time.

Be that as it may, and mindful, perhaps, of that situation, let me, in all sincerity and seriousness, thank my colleague from Utah for having the foresight to offer this common sense piece of legislation.

Mr. Speaker, my colleague quoted the words that came to us I believe in history from Mr. Justice Brandice, who pointed out that time and again, in the public interest, sunshine is the best disinfectant. Indeed, Mr. Speaker, in much the same way that we invited television into this chamber, so that these remarks are seen throughout the Nation by our fellow citizens, so, too, as we move through new communications capabilities to involve and disperse data upon the internet, we offer the American people another glimpse of sunshine and more than just a ray of hope, because this legislation compels the Federal Election Commission to carry the step of sunshine a step further and to post these contributions on the internet within 24 hours.

My colleague from Utah pointed out, and, indeed, if the truth be told, as many of us are involved in spirited campaigns where we champion differences in philosophies, to have these contributions available for public scrutiny, or at least disclosed by candidates within a 48-hour period down the stretch of a campaign, how much more vital it is, Mr. Speaker, to make sure that that information is available to every American on the internet.

My colleague pointed out that already the FEC has made strides, but this legislation will ensure that we go the extra mile to give voice to the notion of genuine reform by bringing in the sunshine of full disclosure and living up to the spirit of what Mr. Justice Brandice advocated.

So it is in that spirit, again thanking my colleague from Utah, because I believe the Nation owes him a debt of gratitude for seizing upon this common sense piece of legislation, that I urge the House and Members of both parties to join with us in its passage. I would advocate strong support for H.R. 2109.

Mr. COOK. Mr. Speaker, I yield myself such time as I may consume, and I certainly want to thank my colleague from Arizona for those words.

Mr. Speaker, the House today can take a small step toward increasing accountability to those whom we represent. The House spent many hours debating campaign finance legislation this year. It appears that the product passed by the House has little chance of becoming law. That is why I think this legislation is so important. It is a significant yet noncontroversial reform that we owe to our constituents, and I urge my colleagues to support the Campaign Finance Sunshine Act.

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

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The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 2109, 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.

CONFERENCE REPORT ON H.R. 3874, WILLIAM F. GOODLING CHILD NUTRITION REAUTHORIZATION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 3874) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement see proceedings of the House of October 6, 1998 at page H–9680.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. Clay) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume. I am not sure who is in charge of scheduling. Obviously it has nothing to do with the order of importance. The President says we do not do anything in education. Here we are at 10 minutes after midnight with three very, very substantive pieces of legislation. I am sure the President is not watching television, so he will not know that we did something again. This is number 15, 16 and 17, as a matter of fact, from this committee that we are doing at this wonderful hour in the morning.

Mr. Speaker, H.R. 3874 is the reauthorization act of 1998 and it is one of the most important bills we will enact. Its main purpose is to provide our Nation's children and participants in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) with vital nutritional assistance.

Long before I came to the House, I was familiar with the School Lunch Program. As a former educator, I could see firsthand the importance of providing nutritious meals to children in order to ensure that they had the health and energy they needed to do well in school.

I believe the legislation we are considering this morning will go a long

way toward improving the operation of these programs, freeing them from fraud and abuse and ensuring that children are provided with nutritious meals.

I would like to mention a few key provisions of the legislation. First, the legislation provides additional flexibility to States and local providers of nutrition programs. Second, the Summer Food Service Program is amended to encourage greater participation by private, nonprofit organizations. This change is particularly important to rural areas, some of which I represent, where it is otherwise difficult to find program sponsors. Third, this legislation includes key provisions that address fraud and abuse in both the Special Supplemental Nutrition Program for Women, Infants and Children and the Child and Adult Care Food Program. Next, this legislation modifies current nutrition programs in order to provide snacks to schoolchildren participating in school or community-based afterschool programs with an educational or enrichment purpose. Our Nation is currently undertaking efforts to reduce juvenile crime. Children participating in afterschool programs are less likely to engage in delinquent activities. I believe it is important that we support such programs by providing participants with a nutritious meal.

Last but certainly not least I am pleased this agreement makes permanent automatic eligibility under the Child and Adult Care Food Program for children participating in the Even Start Family Literacy Program. We will now be able to provide the children of some of our most needy families who are making an effort to improve the quality of their life and the lives of their children with nutritional assistance.

Mr. Speaker, this is a good bipartisan bill. I want to acknowledge those Members who contributed their time and effort to crafting this legislation. First I would like to thank the gentleman from Delaware (Mr. CASTLE) who spearheaded the development of this legislation in the Committee on Education and the Workforce. Working with him were the chairman of the Subcommittee on Early Childhood, Youth and Families the gentleman from California (Mr. RIGGS), the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MARTINEZ) and the gentlewoman from California (Ms. WOOLSEY).

From the Senate side, I would like to mention the efforts of RICHARD LUGAR, chairman of the Senate Subcommittee on Agriculture, Nutrition and Forestry, staff from both the House and the Senate who worked on this legislation, including Lynn Selmser, Vic Klatt, Alex Nock, Marci Phillips, Dave Johnson, Mike Ruffner, Dan Spellacy, Mark Halverson and Ed Barron.

Senators MITCH MCCONNELL, THAD COCHRAN, PATRICK LEAHY and TOM HARKIN have also contributed greatly to the final version of this important legislation.

On a personal note, I want to thank Senator LEAHY, whom I have sat across at many House-Senate conferences and have always found to be fair and respectful of our differences and working in the best interests of our children, for offering a motion in the conference to name this important reauthorization after me. I am deeply honored and profoundly humbled by his gesture and that of my colleagues.

Mr. Speaker, this bill goes a long way in improving our Nation's child nutrition programs. I would like to stress that it makes these changes without spending any additional Federal dollars. These are important programs that provide nutritional assistance to millions of individuals. By strengthening these programs, we will ensure that they will continue to feed children and provide nutritional assistance to participants in the Special Supplemental Nutrition Program for Women, Infants and Children for years to come.

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

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

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

Mr. CLAY. Mr. Speaker, if the President were awake at this time of night and watching these proceedings, I am sure that he would say that while he is pleased that this important measure is moving forward, he is also disappointed that we have yet to tackle even more critical priorities in education. This Congress has failed to take action on reducing class sizes. This Congress has failed to take action to address crumbling and overcrowded schools. This Congress has failed to take action on revitalizing our public schools. If this Congress fails to take action on these critical education priorities, we are shortchanging America's schoolchildren. I am sure that would be the response that our President would make.

This bill, the William F. Goodling Child Nutrition Reauthorization Act of 1998, before the House is the product of bipartisan work and an excellent example of what can be accomplished when we join forces to address problems facing our Nation's youth. This important legislation firmly places our child nutrition programs on the path to serve the needs of America's children in the 21st century.

H.R. 3874 expands and improves the focus of child nutrition programs in numerous ways. First, it ensures that the Summer Food Service Program will reach more needy children with more nutritious meals. Second, the bill adds provisions to guard against fraud in the WIC program. In addition, it establishes a universal school breakfast pilot project which will examine the close link between education and nutrition.

Finally, Mr. Speaker, and most importantly, this legislation enables institutions providing afterschool care to receive reimbursement for meal supplements served to children under the age of 18. This supplement is one more incentive for parents and children to participate in productive, afterschool programs.

In closing, Mr. Speaker, I want to extend my thanks for the hard work of the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Delaware (Mr. CASTLE) and the ranking subcommittee member the gentleman from California (Mr. MARTINEZ) for crafting this legislation. I especially want to thank the gentlewoman from California (Ms. WOOLSEY) who spearheaded much of the reauthorization on our committee. Her work has been invaluable and many of the bill's provisions are based on legislative proposals that she championed.

Mr. Speaker, this legislation is a positive step forward. I urge its adoption by the House.

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

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE) who championed this bill through our committee.

Mr. CASTLE. I thank the gentleman from Pennsylvania (Mr. GOODLING) and appreciate tremendously his effort in this direction. I do appreciate the work of the minority members on this bill as well as all the staff individuals as well.

I would say something to the ranking member before I get into the goodness of this bill, and I mean this very sincerely, because it really has bothered me because the President came here in January and he talked about reducing class size, as the gentleman has indicated, and I think he is committed to that.

□ 0020

He talked about rebuilding, revamping schools, which I think he is also committed to, but I think we all need to recall that the funding mechanism that he talked about, that was the tobacco legislation funding which would not be. Ever since it has been very apparent for at least 3 or 4 months that that was not going to pass, there has been no shift into any other kind of funding put forward by the White House or anybody else, and I think we need to recognize that fact.

I would like to do these things, too. Maybe the Federal Government should not be doing it but the President should not keep giving the illusion that this can be done because the funding is simply not there.

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

Mr. CASTLE. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, we find monies for all other kinds of products. I would think that we would find money for these most essential projects that the country needs.

Mr. CASTLE. Reclaiming my time, they always have been done by the

State and local governments, and secondly it seems to me that if the White House is referencing them and wants to get them done and puts up the money in the source of the tobacco money and then loses that, they have some obligation to come back and try to help out.

I just make a point. I do not want to make a fight of it tonight. It is too late, but I do think we have to recognize that. Let us talk about something that is good, which is this bill, which the gentleman worked on, and I have comments which I will submit when I revise and extend, but I just want to comment that I am very pleased to support this legislation.

I truly am pleased with the work that everybody did on it. It could not have happened otherwise. This is not an easy piece of legislation. We have had some tremendous staff work on it. It has been, frankly, a real pleasure to shepherd the bill through the legislative process. It really was a collaborative effort with Republicans and Democrats, with the House and the Senate working on this, and with the U.S. Department of Agriculture which was tremendously helpful on this.

This is truly, I think, a strong bipartisan bill. It is the kind of bill we should do at 4:00 in the afternoon so people can see what we can do by working together. I would like to thank those who worked on it, particularly the chairman and certainly the gentleman from California (Mr. MARTINEZ) and the gentleman from Missouri (Mr. CLAY) who worked so very hard on this, and the gentlewoman from California (Ms. WOOLSEY) who is on the floor here, who worked so very hard on it.

The gentleman from Pennsylvania (Mr. GOODLING) deserves special recognition. He has been a long time supporter of child nutrition programs and it is why it was such a pleasure to vote in conference to name this bill after our distinguished chairman, and so now we have before us the William F. Goodling Child Nutrition Authorization Act.

While I realize that we have not been able to address everyone's concerns with this bill, although we got close to it, I do believe we have an excellent compromise that will go a long way towards improving our Nation's child nutrition programs by reducing red tape and bureaucracy, finding and punishing fraud and abuse, giving program providers more flexibility, ensuring our Nation's children have access to healthy meals in schools, in child care settings, in after-school programs and during the summer months, and providing low-income pregnant and postpartum women, their infants and young children, access to nutritious foods.

Frankly, one of the greatest accomplishments is the fact that we have been able to make these important changes without blowing the caps of our budget. I could go on about what else is in here but I think the people on the floor here tonight are generally familiar with it.

I would just like to close by thanking everybody who has worked on this because without that sincere bipartisan effort it is not the kind of bill we would be able to get done.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I doubt that I will use 5 minutes. Mr. Speaker, it gives me such great pleasure to rise in support of H.R. 3874, the William F. Goodling Child Nutrition Reauthorization Act of 1998. That is a lot to say, Mr. Speaker. One has to be awake to do that.

This legislation will benefit children in schools and child care facilities across our Nation. Our teens will be safer because it will be easier for schools and community organizations to offer them after-school programs.

Elementary students are going to enter the classroom ready to learn and able to do better work in school because this legislation takes an important first step towards making breakfast available at school for all elementary school children.

H.R. 3874 will allow 5 states to provide school breakfasts to all their students free of charge. Two studies have proven that kids who eat breakfast improve both their grades and their school behavior.

In today's world, where two working parents are the norm and long commutes common, more and more families are out the door, on the road, early in the morning, with no time to sit down for breakfast. Whether we like it or not, children, even when they have food at home, leave their home and arrive at school hungry.

Unless we want to pass a law requiring every family to feed their kids breakfast before school and then hire a bunch of breakfast police to enforce it, we need to start looking at school breakfast programs in a different way, and this bill does just that.

This bill also makes it easier for schools and community organizations to offer after-school programs to teenagers by making it easier to pay for their snacks.

We know that the vast majority of juvenile crime and teen pregnancies occur after the school bell and before the dinner bell. We desperately need more after-school programs for adolescents, but feeding adolescents, even when it is just a snack, can be expensive.

H.R. 3874 will open the child and adult care food programs to low income teens and to more after-school programs. This is not Twinkies for teens. The Police Athletic League and other law enforcement organizations have strongly endorsed the benefits of after-school programs for adolescents. This legislation will make more of these programs possible and give teens a place to be after school.

H.R. 3874 will benefit millions of children and I would say to the gentleman from Pennsylvania (Mr. GOODLING) that he can be proud to have this bill carry his name.

Children are only 25 percent of this country's population but they are 100 percent of our future. The William F. Goodling Child Nutrition Reauthorization Act is a sound investment in America's most precious resource: Our children. I urge my colleagues to support it.

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

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

Mr. Speaker, I will just close by reciting the 21 programs that came from our committee: Higher Education Act, Reading Excellence Act, Dollars to the Classroom Act, D.C. Scholarship, Prepaid College Tuition Plans, Job Training Reform, Emergency Student Loans, Quality Head Start, School Nutrition, Charter Schools, Drug Education Initiative, A-plus Savings Accounts, $500 million more for Special Education, Loan Forgiveness for New Teachers, Teacher Testing, Individuals with Disabilities Education Act, High-Tech Job Skills/Vocational Education, Bilingual Education Reform, Prohibition on New Federal School Tests, Equitable Child Care Resolution, Juvenile Justice.

That is a pretty healthy menu, I believe.

My friend from Delaware did not want to take the gentleman from Missouri on. I want to make very clear that the whole idea of pupil/teacher ratio has nothing to do with the Federal Government whatsoever. That is none of our business and if there are not quality teachers in the classroom, it would not matter whether they are one-on-one. If that is something we want to do, fine.

Secondly, I want to make very sure that everybody understands, the Federal Government has nothing to do with maintenance and building of school buildings.

What the Federal Government does have something to do with is putting the 40 percent that they promised 30 years ago into special education, and every year the Los Angeles Unified School District would have had $18 million more, every year, to do whatever they wanted to do about class size and to do whatever they wanted to do about maintaining buildings. That was a responsibility because we sent 100 percent of the mandate for special education.

What did the budget that came from the President of the United States do about special education? Cut it; did not even include an increase for inflation; cut it, when there are more and more students coming in constantly into special ed, the most expensive program that we have.

□ 0030

Not only the most expensive, but an injustice to an awful lot of youngsters

who find themselves in that program simply because they have some reading difficulties.

So I do not take a back seat to anybody in relationship to what this committee has done during the last 2 years to try to improve education and job training in this country.

Mr. CLAY. Mr. Speaker, will the gentleman yield to me just for a short question?

Mr. GOODLING. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, how many of the 21 bills that the gentleman has cited have become law?

Mr. GOODLING. Mr. Speaker, we are going to have Higher Education, we are going to have Reading Excellence.

Mr. CLAY. Mr. Speaker, if the gentleman will yield, we are going to.

Mr. GOODLING. Mr. Speaker, we are going to have Prepaid College Tuition Plans. We are going to have Job Training Reform. We are going to have Emergency Student Loans. We are going to have Quality Head Start. We are going to have School Nutrition. We are going to have Charter Schools. We are going to have Drug Education Initiatives. We already have $500 million more for Special Education. We have a Loan Forgiveness for New Teachers. We had to bail out the department in order to get the loan situation straightened out.

All of those are there in law by the time we finish at 1 or 2 o'clock this morning. It will be a magnificent effort on the part of the committee of which the gentleman from Missouri was a part.

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

Mr. MARTINEZ. Mr. Speaker, I rise in strong support of the conference report on H.R. 3874, the William F. Goodling Child Nutrition Reauthorization Amendments of 1998. This legislation shows what we can do when we put partisanship aside in the name of commitment to our Nation's children.

The Federal child nutrition programs provide access to the healthy meals that are essential to the success of our children today, and well into the future. The reauthorization measure before us this morning strengthens and improves the nutrition programs to meet the needs of children and their families as we move into the 21st century. For instance, this legislation will reimburse schools and other institutions for snacks that they provide to children under age 18 in after-school programs.

The majority of violence and other crimes committed against and by youth occurs after school—between the hours of 3 p.m. and 8 p.m. I believe that the support we provide for after-school programs in this legislation renews our commitment to the prevention of juvenile crime and the provisions of positive alternatives for youth.

It is important that we take other steps to shape the nutrition programs to address the situation of today's families.

As we have all heard time and time again, the most important meal of the day is breakfast. An alarming number of children do not eat breakfast, and thus begin their school day lacking the nutrients and energy to effectively learn. This is not just a problem tied to poverty. In our society, more and more parents have to work, regardless of their economic status.

It is my opinion that one of the most important and cost-effective commitments we can make toward strengthening education in this country is by providing breakfast for every schoolchild. That is why I enthusiastically endorsed Congresswoman WOOLSEY's legislation to authorize universal school breakfast. Through her advocacy, we have been able to include in this legislation a pilot program, which would follow the implementation of universal school breakfast in six States and report on what I believe will be its strong success.

I would have preferred that this legislation authorize mandatory spending for this pilot, to ensure that dedicated, consistent funding is provided over the five years of the program and its accompanying study. I urge appropriations to commit themselves to funding this program for the length of this authorization, as some in the State already have pledged to do.

Mr. Speaker, H.R. 3874 renews our firm commitment to the health and success of our Nation's children, and I strongly support its passage.

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the conference report on the bill, H.R. 3874.

The question was taken.

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

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. GOODLING. 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. 3874.

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

There was no objection.

CONFERENCE REPORT ON H.R. 1853, CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS

Mr. GOODLING. Mr. Speaker, I call up the conference report on the bill (H.R. 1853), to amend the Carl D. Perkins Vocational and Applied Technology Education Act, and I ask unanimous consent for its immediate consideration; that all points of order be waived; and that the conference report be considered as read.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Speaker, I rise in strong support of the Conference Agreement on H.R. 1853, the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998.

I cannot think of a better gentleman to have this bill named. I do not want to put ''for'' at the end a sentence; I am an educator. But Carl was just a wonderful friend, a great chairman, and certainly a strong supporter of vocational education.

This agreement is based upon four overarching principles: Strengthening academics in this country's vocational-technical educational program; broadening opportunities for vocational education students, particularly in areas of high technology; sending more money to the classroom; and significantly increasing State and local flexibility for the design of innovative programs that are responsive to local needs.

This legislation will move our Nation's vocational-technical education programs into the 21st Century, and more importantly will assist the 75 percent of American youth who do not complete a 4-year college degree.

Our Nation's young people should receive a high quality education whether they are bound for college, the military, further training, or directly into the work force.

Today's vocational education students need a quality education, a strong academic foundation, and relevant skills in order to thrive in today's economy.

This legislation makes a number of important improvements to current law that authorizes vocational education programs.

First, the agreement will strengthen the academic component of vocational education. It asks States and local school districts to describe in their State and local applications how they plan to improve the academic and technical skills of students participating in vocational education.

It also asks States to tell us how vocational education students will be taught to the same challenging academic proficiencies as all other students. The legislation broadens opportunities for students participating in vocational education programs.

In 1950, 60 percent of all jobs in the Nation were unskilled. In 1990, this figure dropped to 35 percent. By the year

2000, it is projected to drop to 15 percent.

We need to make sure that vocational education students have opportunities to prepare for continued education and for high-skill high-wage jobs. For this reason, the agreement places an expanded emphasis on technology.

With the increased emphasis on academics and technology, vocational education students will be better prepared for expanded educational and employment opportunities.

Finally, the agreement not only sends more money to the local level than under current law, but it provides those at the local level with more flexibility in how to spend their money.

Local school districts and postsecondary institutions will be able to decide how to best meet the needs of their students. They will have the ability to create innovative programs to meet their individual local needs.

Under current law, only 75 percent of Federal vocational education dollars are required to go locally. This agreement requires that no less than 85 percent of the Federal education dollars go to local school districts or postsecondary programs.

If we are going to see true change occur in vocational-technical education, it is going to come from the local level, and that is where our money should be.

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

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

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

Mr. CLAY. Mr. Speaker, I am pleased to rise in support of the conference report. This report represents nearly 4 years of dedicated work by the Members on both sides of the aisle.

During this Congress, we have worked closely with the gentleman from Pennsylvania (Chairman GOODLING) and our colleagues in the Senate to craft legislation to improve the vocational education system. In addition to extending the authorization of this program for 5 years, the bill improves the structure of our vocational education system.

We continue, under this bill, to target funds on poverty, ensuring that the most needy of school districts receive the assistance.

I want to compliment the gentleman from Pennsylvania (Chairman GOODLING), my ranking subcommittee members, the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MARTINEZ), the gentleman from California (Mr. MCKEON), the gentleman from Pennsylvania (Mr. PETERSON), and the gentleman from Texas (Mr. JOHNSON) for their work on this legislation.

This bill deserves the strong support of all Members of this body.

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

Mr. GOODLING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank Chairman JEFFORDS who led the Senate efforts on the legislation, and our House conferees the gentleman from California (Mr. RIGGS) who chairs the Subcommittee on Early Childhood, Youth, and Families, the gentleman from California (Mr. MCKEON), the gentleman from Pennsylvania (Mr. PETERSON), the gentleman from Texas (Mr. JOHNSON), the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE), and the gentleman from California (Mr. MARTINEZ).

I would also like to thank staff who have worked very hard in helping us develop this legislation, including Krisann Pearce, Sally Lovejoy, Mary Clagett, Vic Klatt, June Harris, Alex Nock, and Marci Philips.

The conference agreement on H.R. 1853 is based on good public policy. The agreement expands opportunities for vocational education students, placing increased emphasis on academics, technology, and State and local innovation.

Mr. Speaker, I urge your support for this legislation.

Mr. MARTINEZ. Mr. Speaker, I rise in support of the conference report on H.R. 1853, the Carl Perkins Vocational and Applied Technology Amendments of 1998. The Perkins Act has helped millions of students attain the education and training needed to compete in today's workforce.

In particular, the act has provided access to vocational education to a variety of underserved populations—women, including single mothers and displaced homemakers; individuals with disabilities; and students facing barriers to educational achievement, such as limited english proficiency. The reauthorization legislation before us today, I believe, strengthens the Federal Vocational Education Program.

We merge the best of the House and Senate bills to provide for a system that holds vocational education to high academic standards and accountability. We also reaffirm our commitment to special populations, and ensure that not only are they provided access to vocational education, but that they also are included in the quest for high quality.

I am also pleased that disagreements on the formula have been resolved, striking a balance between providing support for local schools and leveraging resources in leadership activities. Just as importantly, this new formula retains the Federal commitment to target scarce education dollars to the neediest students.

Finally, I would like to express my strong support for the provisions in the legislation that preserve the tech-prep program.

Tech-prep provides comprehensive links between vocational education and training in secondary schools and postsecondary education institutions.

As such, the tech-prep program enhances the Federal commitment to provide vocational education students with the skills and education to pursue a successful future after high school—whether it involves obtaining additional training, pursuing a baccalaureate degree, or entering the workforce.

I thank Chairman GOODLING and Chairman JEFFORDS for their commitment to reaching bipartisan, bicameral agreement on vocational education reauthorization.

While these negotiations were lengthy, and often contentious, I believe the final product was worth the effort.

I urge my colleagues to join me in support of passage of this conference report.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2206, COATS HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

(For conference report and statement, see proceedings of the House of October 6, 1998 at page H9680.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2206.

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

There was no objection.

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

Mr. Speaker, I rise in support of the conference report on S. 2206, the Coats Human Services Reauthorization Act of 1998 named after the retiring Senator from Indiana.

I would like to take this opportunity to recognize Senator DAN COATS, not only for his remarkable efforts on what will be known as the Coats Human Services Act of 1998, but for his years of service and dedication to education and human services issues. He has been a staunch and compassionate advocate for children. We will miss his insight and wisdom that are reflected in dozens of laws that have and will continue to have positive impact on the lives of millions of American families.

I want to express my sincere appreciation to the members of the conference committee for their diligent efforts to resolve the differences between

the House and the Senate bill. This has truly been a bipartisan and bicameral effort.

I want to thank the gentleman from Delaware (Mr. CASTLE), the gentleman from Indiana (Mr. SOUDER), the gentleman from California (Mr. MARTINEZ) and the gentleman from Missouri (Mr. CLAY), the ranking member of the committee, who have worked so diligently on this bipartisan bill. In addition I would like to recognize the gentleman from California (Mr. RIGGS) who was so very important to the development of the legislation.

Due to them and many others who worked with us in crafting this bill, we have before us today a bipartisan conference agreement, an agreement that will lead to better services for millions of disadvantaged families across the Nation.

The Senate has already passed the conference report. Senators JEFFORDS, COATS, KENNEDY and DODD led the Senate efforts on this legislation and have successfully ushered it through the Senate.

The efforts of all these Members have allowed us to move forward on a very important piece of legislation, to reform our Nation's Head Start, Community Service Block Grant and Low-Income Home Energy Assistance Programs.

The legislation makes important changes to these acts that will result in improved services, increased quality, and more accountability.

Title I of the legislation contains important changes to the Head Start program. This bill firmly establishes quality as the focus of the authorization through a variety of measures that strengthen the education component of Head Start. Namely, the bill ensures that local Head Start agencies will be held accountable for successfully preparing children to enter school ready to read by inserting new educational performance standards and measures by which individual Head Start program performance will be measured. The founder of Head Start said that this is the one area that has disappointed him, and that is the area of preparing children to enter school, and it is basically an education preparation program, and we think that in this bill that it will truly be that all over the country.

The bill requires that at least half of all Head Start teachers possess a college degree in early childhood education or related field by the end of the year 2003. It is an important requirement if we are to ensure that Head Start's education service rival those of the best preschools in the Nation.

The bill strikes the appropriate balance between quality and expansion. This is something I insisted on in our House-Senate conference. It slows the rate of growth of the program and it increases funding for quality in the initial years of the authorization, so that the Head Start program has the time and means to develop greater capacity to provide higher quality services.

Title II of the legislation extends the authorization and makes changes to the Community Service Block Grant Act program.

This bill will better enable States and local communities to eradicate poverty, revitalize high poverty neighborhoods, and empower low-income individuals to become self-sufficient.

As with Head Start, this bill increases program accountability and CSBG. It encourages the development of effective partnerships between government, local communities and charitable organizations, including faith-based organizations, to meet the needs of impoverished individuals, and it encourages innovative community-based approaches to attacking the causes and effects of poverty.

I have been a strong supporter for many years of CSBG and the programs that it supports. I feel that this legislation will result in improvements in CSBG and will further improve services for the poor in each local community.

Title III of our legislation extends the authorization of another important program, the Low-Income Home Energy Assistance Program. LIHEAP provides heating and cooling assistance to almost 5 million low-income households each year. Individuals and families receiving this vital assistance include the working poor, individuals making the transition from welfare to work, individuals with disabilities, the elderly, and families with young children.

Finally, this legislation establishes a new demonstration program providing funding for individual development accounts, matched saving accounts for low-income individuals for post-secondary education, home purchases and business capitalization.

I commend Senator COATS and the gentleman from Indiana (Mr. SOUDER) for their insight in the development of this demonstration program.

Finally, I want to give special thanks to numerous staff who have worked for so many weeks, months, years to resolve the various differences on this bill. Their work has culminated in a strong bipartisan bill. Specifically, I would like to thank Sally Lovejoy, Vic Klatt, Mary Clagett, Denzel McGuire and Rich Stombres of our committee staff for their hard work on this bill, as well as Alex Nock and Marci Phillips of the Minority staff.

Let me close by saying that the legislation before us today is truly one of the most important pieces of legislation the 105th Congress will pass this year. It is a bipartisan bill that greatly improves the delivery of services provided under Head Start, CSBG and LIHEAP. It is my belief that many families will benefit from the improvements made under this act. I urge my colleagues to vote for the bipartisan conference report.

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

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

Mr. Speaker, this legislation reauthorizes Head Start, Low-Income Home Energy Assistance, and Community Services Block Grant programs. In addition, it establishes a new program, Assets for Independence, which will assist low-income families to achieve economic security.

The programs authorized in this bill are critical to children and to seniors. In addition to reauthorizing expiring programs, this legislation makes several needed improvements. In the Head Start section, the bill increases to 10 percent the setaside for early Head Start, the program providing services to low-income infants and toddlers and their families. This will ensure that thousands of additional infants can experience the benefits gained in this extraordinary program.

This bill reauthorizes the LIHEAP program for 5 years, but also concentrates its weatherization services for low-income individuals with higher energy needs.

Finally, Mr. Speaker, this legislation institutes important accountability provisions in the Community Services Block Grant program that will enable us to document its great successes.

In closing, I want to thank the gentleman from Pennsylvania (Mr. GOODLING), our chairman; the ranking subcommittee member, the gentleman from California (Mr. MARTINEZ); the gentleman from Delaware (Mr. CASTLE); and the gentleman from Indiana (Mr. SOUDER) for their hard work on this conference agreement. I believe this strong bipartisan measure, which deserves the support of all Members of this Chamber, should be enacted.

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

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), who was with Senator COATS for a long time before he came to the Congress of the United States, and who has been very important in putting together parts of this legislation

Mr. SOUDER. Mr. Speaker, I thank the chairman for his leadership and all of the others on the conference committee.

It is unfortunate that it is this late at night that we have one of the most important pieces of legislation that could possibly be before us. It addresses the most vulnerable Americans in our society, our children, the working poor and the elderly, and it is an innovative compromise that we have been able to work between the parties and between the bodies.

It is of special meaning to me in 3 different ways, and I want to briefly talk about those. One is my relationship to my former employer, Senator DAN COATS. Second is these issues are many of the things that motivated me to particularly run for Congress, and they are issues that as a staff member for 10 years I worked with, and now, to see some of them come to fruition as part of law is indeed a special honor and a privilege.

So let me touch on a couple of these issues together. Senator DAN COATS is retiring this year after many years in the House and Senate, and as a friend of his who worked in his first primary and general election campaign, we worked together with many goals. Part of those goals are very tied to our personal and deep religious commitments and how we as Christians would address issues facing the most vulnerable in our society. He has tried to be one of the more creative leaders on our side in looking at the balance of how do we work through the private sector, how do we work in joint cooperation in public and private, and what is the role of government in helping develop opportunities.

□ 0050

When I served as Republican staff director on the House Select Committee on Children, Youth, and Families, we looked at the Head Start program and saw that it was a Federal program that was very effective in at least some areas. And what we have done in this bill is to try to make it even more effective by putting better educational standards in, through targeting better pay for Head Start teachers, and I think that is an example of a Federal program that has worked.

But there are several other things in this bill. Back when I was in the House and when I worked for Senator COATS in the Senate, we were trying to look for creative ways of how to empower private sector organizations, and one of those things is a charitable tax credit.

For the first time, working with the gentleman from Virginia (Mr. SCOTT) on the minority in our committee, we were able to pass in the 10 percent of the State's community service block grants they can use that money to help offset an expansion of the State charitable tax credit. We have not been able to pass other pieces of legislation at this point with it, but it is an important first step.

The gentleman from Ohio (Mr. HALL) and the gentleman from Virginia (Mr. WOLF) have been leaders in the individual development accounts, the Assets for Independence that DAN COATS has supported for a long time as I have. And this is another innovative way to help those who are less fortunate to develop the assets they need, whether they use them for their own personal expenses or whether it is for homes or housing or to develop a business. It is an important breakthrough.

It is something that we worked out when I was a house staffer for Congressman COATS and as a Senate staffer, and it is a tremendous victory for my fellow and former staffers, Stephanie Monroe and Sharon Soderstrom and Mike Gerson to see many of these dreams actually become part of law.

DAN COATS has been a personal model for me. It is so fitting and appropriate that this bill is named after him, because he is a beacon of light and a personal moral example. An example of leadership, of how someone in government can be in both their personal and public life a model for young people around the country; a model for legislators as to how to be creative in their legislation, of how to be a conservative and yet have a heart for the poor, a heart for the underprivileged.

It has been a great honor to both work for him and now with him in this United States Congress, and he is going to be deeply missed by me and many others.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Human Services Reauthorization Act. The programs reauthorized by this legislation, Head Start, Community Service Block Grants, and LIHEAP, help our neediest Americans to live learn and grow.

I am particulary pleased that the Community Services Block Grants include reauthorization for a demonstration project to test the effectiveness of Individual Development Accounts, IDAs. IDAs are dedicated savings accounts that can be used for education. They can be used for first home purchase or to start a business. Each deposit made by the low-income account holder is matched by the community organization which sponsors the IDA.

I was able to leave welfare when I was in trouble at one point because I invested in myself. IDAs allow individuals in the same kind of circumstance I was in to invest in themselves. IDAs give low-income individuals a needed chance to invest in themselves and in their futures. Because their deposits are matched, IDA accounts grow and lives are changed for the better.

This country has been helping middle- and upper-income families invest in themselves and their future for years. For example, there are tax deductions for home mortgage. There are tax break for IRAs and tax breaks for other pension accounts. There are no breaks for low-income individuals who try to save. In fact, in some cases there are actually penalties if a low-income person accumulates assets.

So, Mr. Speaker, the Human Services Reauthorization Act will help millions of low-income Americans change their lives and I am proud to join my colleagues on both sides of the aisle in supporting it.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE) an important member of the committee.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time, and I will try to be brief because of the hour.

Mr. Speaker, everything that has been said is so significant. And the Head Start program, the Community Services Block Grant which was heard about, and also the Low-Income Home Energy Assistance program which has struggled politically in this body a lot of times, have gone through strong reauthorizations.

I just would like to focus on the Head Start provisions of this bill for a couple of reasons for a moment. I believe that educational welfare for our children starts well before they even walk into kindergarten. It obviously starts the day kids are born. And some of the most crucial times are their first experiences in structured settings such as in day care or prekindergarten programs.

We are all seeing what is as least viewed as a decline in education in America, at least for some of our students out there today. And I think early intervention is very necessary if we are going to be able to address some of these problems, particularly at the earliest ages. Because that helps, of course, our students attain higher achievements throughout their lives.

What happened in this bill, and it was under the guidance of our chairman, is that we have strengthened the education component programs of Head Start. We are supportive to the whole concept of quality. We put more money into that area; into teacher certification and into making absolutely certain that the Head Start programs that we have would be able to upgrade in that circumstance.

It was a hard fight. It sounds simple, but it was relatively hard because there is a great force that wants more quantity and does not want us to set money aside for quality. We were able to do that working with both sides of the aisle and working with the Senate in order to achieve what I think is in the greater good for kids of this country.

Again, it is a shame that we are debating this bill at 12:55 in the morning as opposed to 2 o'clock in the afternoon. But the bottom line is this is good legislation. It is well thought out. Some excellent staff work went into it, and I hope that we could unanimously endorse it in the House of Representatives and the President could sign it into law soon.

Mr. Speaker. I am pleased to be able to stand up today in strong support of the conference report on the Human Services Reauthorization Act and proud to have been able to serve as a conferee on this very important piece of legislation.

The bills that came out of both Houses on Head Start, the Community Services Block Grant, and the Low Income Home Energy Assistance Programs were very strong and representative of very bipartisan efforts. During conference, we worked diligently to follow through on that bipartisan spirit and deliver a bill that will provide better assistance to some of our nation's neediest citizens.

As with most pieces of legislation, I realize we have not been able to meet everyone's needs, but I do believe we have made an excellent compromise that addresses a majority of this body's concerns. Throughout the process, I have been particularly concerned with

the Head Start provisions of this bill. As you know, I come to the table with a deep concern for the welfare of our nation's students. I believe that their educational welfare starts well before they walk into kindergarten. It starts the day kids are born and some of the most crucial times are their first experiences in structured settings, such as in day care or pre-kindergarten programs.

In the past few years, as policy makers, we have been faced with the reality that our education system isn't working for many of our students. Among all of the different factors that we need to consider, one of them is those first few years and those first experiences kids have in structured settings. Early intervention is essential. We know this. If we can begin to address the needs of students at the earliest ages, then we have a better chance of helping them attain higher levels of achievement throughout life.

Along with my colleagues on the conference, I was dedicated to strengthening the current Head Start program so that children are getting the skills they need and are truly prepared for the challenges they will face in school. One of the key reforms in this bill is that we strengthen the education components of the program. Now, the purpose of Head Start is to promote school readiness. Make no mistake about it, this program was deliberately named, these kids need a 'head start' in life, and we have attempted to give them that in the conference report.

First, we are supportive of and committed to increasing funding for quality. This makes sense. We need to ensure that the programs our kids are attending are truly beneficial and deserving of their time. We need to be confident in the services Head Start is providing and confident that kids are learning while they are enrolled. One of the things we do with the increased funding for quality in the conference report is increase the percentage of teachers who have a degree in early childhood education. This is sheer logic. In fact, I think this is essential. Our kids need and deserve to have skilled teachers with an intimate knowledge of child development. The combination of increasing teacher certification levels and quality funds provided for in the conference report will go a long way toward addressing the failures we see in the system now.

As the governing body in this nation, we have a responsibility to ensure that the funds we provide States and locals are spent effectively and efficiently. I believe we have accomplished that in the conference report before the House today. This truly is an important bill, which will affect the future of many, many children and their families and in turn the welfare of our country.

Let me also note that this bill reauthorizes the Low Income Home Energy Assistance Program and the Community Services Block Grant programs, which I support. While I have not focused my comments on those provisions, I do strongly endorse the work of the conferees on both sections.

I encourage my colleagues on both sides of the aisle to support the hard fought compromises we reached during conference and vote in favor of passage. This legislation takes several great strides for the benefit of our nation's kids and families.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Missouri (Mr. CLAY), our ranking member, for yielding me this time.

Mr. Speaker, I rise to support the conference agreement reauthorizing Head Start, Community Services Block Grant, and the Low-Income Home Energy Assistance Act. On balance, this bill does many positive things for children and low-income individuals. I am particularly proud of the fact that it contains a provision that I cosponsored with the gentleman from Indiana (Mr. SOUDER) which replicates a successful program I sponsored in Virginia, the Neighborhood Assistance Act, which offers tax credits for donations to approved programs fighting poverty.

Unfortunately, the conference agreement also contains a provision I find very troubling, the so-called ''charitable choice'' provision. This provision has serious constitutional and policy shortcomings. Specifically, the ''charitable choice'' program allows religious groups to be funded under the Community Services Block Grant, even though they may be pervasively sectarian.

The Community Services Block Grant provision also allows, because it allows pervasively sectarian organizations to be funded, it allows publicly funded employee discrimination. Because Title VII of the Civil Rights Act contains certain provisions exempting religious organizations, it allows faith-based organizations to proselytize to beneficiaries as they receive services. It also allows faith-based organizations to require beneficiaries to participate in religious activities in order to receive services. And it allows beneficiaries to be denied alternative service providers if none are available other than the faith-based organization.

With respect to these constitutional issues, Mr. Speaker, I submit a letter from the Department of Justice specifically outlining the constitutional problems with the ''charitable choice'' provision.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 24, 1998.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Senate and the House each recently passed versions of S. 2206, designated in the Senate as the Community Opportunities, Accountability, and Training and Educational Services Act of 1998 and in the House as the Human Services Reauthorization Act. We are informed that a conference committee will this week attempt to resolve differences between the two versions of the bill. S. 2206 would, *inter alia*, amend the Community Services Block Grant Act (''CSBGA''), 42 U.S.C. §9901, *et seq.* We are writing with respect to a proposed new section 679 of the CSBGA, which would be established by section 201 of the Senate-passed bill and by section 202 of the House-passed bill. We are concerned that the Senate version (that is, S. 2206 as passed by the Senate on July 27, 1998) could be construed to permit government funds to be provided to, and used by, pervasively sectarian organizations, which would violate the Establishment Clause of the First Amendment to the Constitution. Accordingly, we recommend that the Conference Committee amend the bill to ensure that funds are provided to religious organizations only if they are not pervasively sectarian.

The Act would authorize the Secretary of Health and Human Services (''the Secretary'') to establish a program to make federal block grants to states for the purpose of ameliorating the causes of poverty in communities within the states. *See, e.g.,* S. 2206 (as passed by the Senate), §201 (proposing CSBGA §§672(1), 675). The states may, in turn, direct the funds to private, nonprofit organizations to assist in the provision of services. *See, e.g., id.* (proposing CSBGA §§675C(a)(3)(B), 676A(a)(1)(A)).

Proposed CSBGA section 679(a), in both the House and Senate bills, would provide that ''the government shall consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution.'' Section 679(a) further would provide that ''[n]either the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a faith-based character.''

Section 679 apparently would reflect ''Congress' considered judgment that religious organizations can help solve the problems'' to which the proposed statute is addressed *Bowen v. Kendrick,* 487 U.S. 589, 606–07 (1988). *Kendrick* and other cases establish that the fact that an institution has religious affiliations does not mean that it may not participate equally in a neutral government financial aid program that benefits both religious and nonreligious entities. *Id.* at 608–11 (Adolescent Family Life Act grants, available to fairly ''wide spectrum of public and private organizations'' regardless of religious nature, may be awarded to religious institutions), *see also, e.g., Roemer v. Board of Public Works,* 426 U.S. 736 (1976) (plurality opinion) (upholding grant program for colleges and universities as applied to schools with religious affiliations). Nevertheless, the Establishment Clause does place two significant limitations on this general principle.

First, the Establishment Clause requires that federal financial assistance not be used in a way that would advance religious organizations' religious mission. The Court in *Kendrick* confirmed that, even though religious organizations may participate in government-funded social welfare programs, the government must ensure that government aid is not used to advance '''specifically religious activit[ies] in an otherwise substantially secular setting.''' *Kendrick,* 487 U.S. at 621 (quoting *Hunt v. McNair,* 413 U.S. 734 (1973)), *See Roemer,* 426 U.S. at 755 (plurality opinion). Indeed, in *Kendrick,* all nine Justices accepted the principle that government funding of religious activities would be impermissible.[1]

[1] 487 U.S. at 611–12, 615, 621 (Establishment Clause would be violated if public monies were used to fund '''indoctrination into the beliefs of a particular religious faith'''' or to '''advance the religious mission' of the religious institution receiving aid.'') (quoting *School Dist. of Grand Rapids v. Ball,* 473 U.S. 373, 385 (1985)), *Id.* at 623 (O'Connor, J., concurring) (''[A]ny use of public funds to promote religious doctrines violates the Establishment clause.''), *Id.* at 624 (Kennedy, J., concurring) (reasoning that the Establishment Clause would be violated if funds ''are in fact being used to further religion''), *Id.* at 634–48 (Blackmun, J., dissenting) (opining that government aid

In conformity with this constitutional requirement, proposed section 679 of the House bill would provide that ''[n]o funds provided to a faith-based organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.''[2]

Second, even where a statute includes (as S. 2206 does) an express condition that the federal aid not be used for sectarian worship, instruction, or proselytization, the government nevertheless may not provide aid directly to ''pervasively sectarian'' institutions, defined as institutions in which '''religion is so pervasive that a substantial portion of [their] functions are subsumed in the religious mission.''' *Id* at 610 (quoting *Hunt,* 413 U.S. at 743); *see also id.* at 621 (holding that, apart from the question whether aid was being used for religious purposes, Establishment Clause would be violated if the plaintiffs could show that aid flowed to grantees that could be considered ''pervasively sectarian religious institutions'').

As the Court has explained, the reason for the prohibition on direct governmental aid to pervasively sectarian institutions is the unacceptable risk that where—as in a pervasively sectarian organization—secular and religious functions are ''inextricably intertwined,'' government aid, although designated for a secular purpose, in fact will invariably advance the institution's religious mission. *Id.* at 610. Again, it is immaterial to this part of the Court's analysis that the provision of assistance would serve a legitimate secular purpose. *See id.* at 602. What is critical is that the assistance also would have the effect of advancing religion because of the pervasively sectarian character of the recipients. And even if it were possible, as a theoretical matter, for a pervasively sectarian organization to use government assistance exclusively for secular functions in such institutions, the degree and kind of governmental monitoring necessary to ensure compliance with the requisite restrictions would itself create Establishment Clause problems. *Id.* at 616–17.

It is unclear which, if any, of the religious organizations that would receive funding under S. 2206 would be ''pervasively sectarian.'' The boundaries of the ''pervasively sectarian'' category are not well-defined, and the Supreme Court has used it almost exclusively in connection with primary and secondary educational institutions. The Court has, however, indicated that numerous considerations are relevant in determining whether an institution is pervasively sectarian. Included among those considerations is whether an organization has explicit corporate ties to a particular religious faith, and bylaws or policies that prohibit any deviation from religious doctrine. *Kendrick,* 487 U.S. at 620 n. 16. The Court also has treated the existence of religious qualifications for admission and hiring as a relevant factor in determining whether a school is pervasively sectarian. Compare *Hunt,* 413 U.S. at 743–44 (no religious qualifications for faculty or students) and *Roemer,* 426 U.S. at 757–58 (plurality opinion) (same), with *Committee for Pub. Educ. v. Nyquist,* 413 U.S. 756, 767–68 (1973) (religious restrictions on admissions and faculty appointments) and *School Dist. of Grand Rapids v. Ball,* 473 U.S. 373, 384 n.6 (1985) (preference in attending private school afforded to children belonging to organizational denomination).

Although both the House and Senate versions of proposed §679(a) state that the block grant funds must be disbursed in accordance with the Establishment Clause, certain other provisions in the Senate version of the bill strongly suggest an expectation that state governments would be permitted to provide direct funding to religious organizations that are pervasively sectarian. In particular, the Senate version includes the following three provisions not found in the House version.

(i) Proposed §679([b])(1)[3] would provide that ''[a] faith-based organization that provides assistance under a program described in subsection (a) shall retain its faith-based character and control over the definition, development, practice, and expression of its faith-based beliefs.''[4]

(ii) Proposed §679([b])(2)(A) would provide, with a minor exception, that ''[n]either the Federal Government nor a State or local government shall require a faith-based organization . . . to alter its form of internal governance.''

(iii) Proposed §679([b])(3) would provide, *inter alia,* that ''[a] faith-based organization that provides assistance under a program described in subsection (a) may require that employees adhere to the religious tenets and teachings of such organization.''

These provisions, as well as the bill's repeated references to ''faith-based organizations'' and recipient organizations' ''faith-based character,'' strongly imply some intent that pervasively sectarian religious organizations would be eligible to receive direct governmental funding. In order to ensure that S.2206 is not construed to permit funding of pervasively sectarian organizations, and that direct governmental funding is not used to support religious activities, we recommend that the Conference Committee not adopt the three quoted provisions (which do not appear in the version of S. 2206 passed by the House). In offering this recommendation, we do not mean to suggest that the government should be able to, for example, ''control . . . the definition, development, practice, and expression of . . . beliefs'' of a nonpervasively sectarian religious organization that receives CSBGA funds but does not use such funds for sectarian worship, instruction, or proselytization. Nor should we be understood as suggesting that a government may ''require'' such an organization ''to alter its form of internal governance.'' We merely wish to ensure that the federal, state and local governments involved in disbursing CSBGA funds may take into account the structure and operations of a religious organization in determining whether such an organization is or is not pervasively sectarian. Where such an organization is pervasively sectarian—i.e., where the secular and religious functions of the organization are so ''inextricably intertwined,'' *Kendrick* 487 U.S. at 610, that it would be impossible (at least without impermissible entanglement) to ensure that the organization does not use government funds to advance religion, the organization may not receive and use CSBGA funds.

Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

L. ANTHONY SUTIN,
Acting Assistant Attorney General.

Mr. SCOTT. Mr. Speaker, in closing I would like to say a word about the Head Start portion of the bill. During the committee deliberations, this widely supported program was amended and ended up being reported with votes being split right along party lines.

I am delighted to see that the irrelevant, controversial amendments have been removed and that Chairman GOODLING and Ranking Member CLAY have presented essentially the original noncontroversial version of the bill so that reauthorization of this effective educational program can be done with its traditional bipartisan support.

So, on balance, Mr. Speaker, this bill will do much in the long run to expand opportunities for children and low-income individuals; however, the ''charitable choice'' provision is unfortunate and we will have to wait for the courts to decide its constitutional fate.

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However, on balance, Mr. Speaker, I ask my colleagues to support the conference agreement.

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

As my good friend from Virginia realizes, in order to get the bill to the floor, we had to do what we had to do or otherwise we would not have had a Head Start bill here.

I do want to point out that the language is the same as in our welfare reform bill and, therefore, there is some precedent for it. But, also, I want to point out that we clarified that religious organizations may participate in CSBG as long as their program is implemented in a manner consistent with the establishment clause of the Constitution. We also included clarification that no funds provided directly to a religious organization under CSBG can be expended for sectarian worship, instruction or proselytization.

Because religious organizations are such important partners in the fight against poverty, their participation in the CSBG program is encouraged. We think the protections in here will make sure that things are not done in the manner that some may fear that they will be.

I just want to close by saying that in the last hour, from midnight on Thursday until 1 a.m. on Friday morning, we passed three of the most important pieces of legislation we could possibly pass for the benefit of those most in need in this country. And as I said, it is tragic that we are doing that at this

may not be used to advance religion, even if aid was intended for secular purposes). Notably, *Kendrick* involved a statute—like the proposed bill—in which government resources were granted on a neutral, nondiscriminatory basis, to religious and nonreligious groups alike, for a secular purpose (counseling sexual abstinence).

[2] Proposed §679(c) in the Senate version has a similar prohibition, but limited to ''funds through a grant or contract.'' In order to avoid difficult Establishment Clause questions, we recommend deletion of the ''through a grant or contract'' limitation.

[3] The Senate version of the bill designates this as subsection ''(c),'' rather than ''(b),'' but this appears to be a typographical error.

[4] In addition to the constitutional problem discussed in the text, this particular provision would (perhaps inadvertently) raise another Establishment Clause problem, since, read literally, the ''shall retain'' language would appear to require a recipient organization, as a condition of receiving federal funds, to ''retain'' a particular religious character and a certain form of ''control over the definition, development, practice, and expression of its faith-based beliefs.'' As a general matter, the government may not, of course, attempt in this manner to control the religious character and organization of a religious organization.

particular hour, but, again, all three pieces are legislation that are going to mean so much to those in this country who are most in need and also going to present us with a far better 21st Century.

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

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I do support this legislation, and I want to compliment the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the ranking member, the gentleman from Missouri (Mr. CLAY), for their great work. This will be a better country, and communities and young people, people of all ages, and particularly children, will live a better life because of this legislation. However, I must rise, even at this time of the morning, with strong reservations that I share with my colleague from Virginia (Mr. SCOTT).

Mr. Speaker, just a few months ago, in a major national debate and a vote on the floor of this House, this Congress went clearly on record in defending the first 16 words of the first amendment in the Bill of Rights. Those 16 words are these: ''Congress shall pass no law respecting an establishment of religion or prohibiting the free exercise thereof.'' These cherished words have served our country well for over two centuries. They are basically the foundation of religious liberty in America, a liberty of religion that is envied across the world.

The provisions of so-called charitable choice were added in this bill unbeknownst to many Members of the House or Senate at a time when we were cluttered with many other issues in Congress. This charitable choice language, in my opinion, and in the opinion of others, could directly undermine the intent of those first 16 words of the Bill of Rights.

Let me quote from the Working Group for Religious Freedom and Social Services, which includes American Baptist Churches USA, American Jewish Committee, American Jewish Congress, Americans United for Separation of Church and State, Anti-Defamation League, Baptist Joint Committee on Public Affairs, and numerous other religious organizations. They say this: ''The primary constitutional problem with the religious provider provisions, the so-called charitable choice provisions, is that they permit and encourage grants to and government contracts with pervasively sectarian organizations, such as churches and other houses of worship.''

Mr. Speaker, I have no question that the intent of those who put this language into this bill was positive; to allow religious-based organizations to help communities address their problems. But good intentions are not enough, particularly when they hit at the very core of our constitutionally protected rights of religious freedom.

So what are the specific problems that could be caused by this language? First, it could violate the intent of the establishment clause by funding ''pervasively sectarian organizations''. It is unclear what the intent of the Senate author was on this particular matter.

Secondly, it could require the Federal Government to have to make a choice as to whether to provide community service block grants to the Heaven's Gate religious organization, an organization that believed it was divinely inspired to commit suicide. If our government officials are bothered by that particular religious view of the Heaven's Gate organization under the charitable choice organization, then our government has been put in the dilemma of having to choose which religious organizations' views are appropriate and acceptable and which ones are not.

The next concern I have is that approximately one-half of our States have constitutions that expressly prohibit public funds going into the coffers of religious organizations. It appears to me that the language of this bill could override that constitutional language of so many States in our Nation.

Next, as pointed out by my colleague from Virginia (Mr. SCOTT), if I understand this correctly, it appears that under this language we could actually use Federal tax dollars to discriminate based on one's religious faith. I hope that is a misreading of this language, but according to a number of organizations, including the one I just mentioned, representing numerous religious organizations, this would do exactly that. And that is why they are so firmly opposed to this particular language.

According to other organizations, this language could also result in government having to provide financial audits of churches and pervasively sectarian organizations who might possibly be eligible for funds under a charitable choice program. I think it is anathema to all of us who believe that the strength of religion in America is that we have had a 200-year wall of separation between church and State. I think this would cause great concerns for those reasons.

Mr. Speaker, for those and many other reasons that can be discussed in the days and weeks ahead, I hope this Congress will think through very carefully the implications of the language of the so-called charitable choice provisions.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, due to the lateness of the hour, I am not going to repeat the arguments or go into them in any depth. Suffice it to say I want to make two points.

One. This is an excellent bill in general. I commend the chairman and the ranking member.

Two. The so-called charitable choice provisions of this bill are clearly violative of the establishment clause of the first amendment.

It is incredible that we would seek to enact exemptions from the religious discrimination clauses of the Civil Rights Act of 1964, which this does. It is incredible that we would allow Federal dollars to be used, for example, by a church and a day care center, even if the church made a condition of receipt of day care services that the parents had to come and attend religious indoctrination or had to attend church services. Clearly violative of the first amendment.

The language the distinguished chairman cited as saying this should not violate the first amendment does not add anything to the first amendment. It simply says what all know: legislation cannot violate the first amendment. We should not be enacting legislation that does so.

I hope that this will not be cited as a precedent, as the welfare bill language is cited as a precedent. I hope we can take this out at some point, or else we will rue the day.

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

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

I just want to say that I am so glad that our committee is not infected and infested with attorneys. We would not get anything done. I have to laugh because when they talk about money being spent, if you look at ESEA, if you look at title I and if you look at title II, I will guarantee you money is going into private and parochial schools, boom, boom, boom, one after the other. Our philosophy is, we legislate and we allow the courts to make a decision as to whether we legislated properly or improperly in relationship to the Constitution.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of the conference report on S. 2206, the Community Opportunities and Educational Services Act. I support many of the provisions in this bill which reauthorizes the Head Start, Community Services Block Grant and the Low-Income Home Energy Assistance Programs. However, I want to focus my remarks on the new demonstration program which will be created if this bill becomes law.

Mr. Speaker, S. 2206 includes the text of H.R. 2849, the Assets for Independence Act which I introduced with Representative JOHN KASICH. The language was added by an amendment offered in the Education and Work Committee by Representatives MARK SOUDER and LYNN WOOLSEY. This legislation authorizes $25 million for five years for the creation of Individual Development Accounts (IDAs) for poor families and individuals. IDAs are dedicated savings accounts, similar in structure to Individual Retirement Accounts, that can be used for purchasing a first home, paying for post-secondary education, or capitalizing a business.

IDAs are managed by community organizations and are held at local financial institutions. Low income individuals make a contribution to

the account which is then matched by private or public funds. Under the legislation, participants can have no more than $10,000 in assets (excluding their car and home) to qualify for the program. Federal money can only be used to match private money. In this way, the bill would leverage more private money and local involvement. By encouraging asset development, IDAs help families end their own poverty with dignity.

IDAs and other asset-building strategies for the poor appear to be among the most promising poverty-fighting ideas to emerge in the last few decades. It is estimated that 100 communities are running IDA programs in forty-three states. Twenty-five states, including Ohio, have incorporated IDAs into their welfare-to-work plans, as authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Joyce, Mott, Ford, Levi Strauss, and Fannie Mae Foundations have issued millions of dollars in grants to support IDA demonstration projects. IDAs have come a long way since the Select Committee on Hunger, which I chaired, first held hearings on this important idea in the early 1990's.

This demonstration project, will provide additional fuel to states, localities, and community based nonprofit groups that are looking for creative and enduring strategies to help low-income families move toward self-sufficiency.

Owning assets gives people a stake in the future and a reason to save, dream, and invest time, effort, and resources in creating a future for themselves and their children. Assets empower people to make choices for themselves.

I would urge my colleagues to pass this important legislation.

Mr. MARTINEZ. Mr. Speaker, I rise in strong support of the Conference agreement on S. 2206, the Coats Human Services Reauthorization Amendments of 1998.

This legislation reauthorizes three programs that provide assistance to the neediest Americans: Head Start, the Low-Income Home Energy Assistance Program (LIHEAP), and the Community Services Block Grant (CSBG).

Historically this legislation has received bipartisan support, and today, there is no exception.

The conference agreement represents a compromise that will ensure the integrity and quality of these programs for years to come.

For more than three decades, Head Start has provided comprehensive social, health, and educational services, designed to promote strong, supportive families and provide disadvantaged with solid foundations for a lifetime of learning.

In 1994, we undertook the most ambitious reauthorization of Head Start, in which we initiated a strong quality improvement process.

I am proud of this effort and the direction it established for the future of Head Start.

That is why, earlier this year, I introduced H.R. 3880, which simply called for building upon this investment in quality through stronger linkages between Head Start programs and schools, and increasing our investment in early Head Start.

I am pleased to say that the proposals in my legislation are in the conference agreement before us today.

S. 2206 allows for the continued expansion of Head Start, as well as the Early Head Start program.

With measures in this legislation to strengthen both programs, and provide Congress with detailed reporting on the successes of these initiatives, I believe we can confidently commit ourselves to increased appropriations in the years to come.

Thus, we will be able to offer Head Start to the 60 percent of eligible children currently excluded from the program.

In this conference agreement, we also reaffirm our commitment to LIHEAP.

LIHEAP helps low-income Americans meet the costs of heating, cooling, and other home energy needs, particularly in times of extreme weather, natural disasters, and other emergencies.

With the five year reauthorization in this legislation, we are telling the Nation's elderly, disabled, and low-income families that this assistance will be continued well into the future.

The third program addressed by this legislation is the Community Services Block Grant.

CSBG supports the efforts of the community action network in addressing the causes of poverty and providing a wide array of assistance to Americans in need.

Services that have been traditionally provided include education, job training and placement, housing, nutrition, emergency services, and health.

S. 2206 also authorizes new activities, including literacy services and support for after-school programs.

In addition, this legislation provides for additional accountability and monitoring, which can only serve to strengthen CSBG.

It is also worth mentioning that while this legislation contains language that clarifies that CSBG dollars can flow to religious organizations to provide social services, we reaffirm that all such transactions are ultimately governed by the establishment clause of the Constitution.

In closing, I would like to urge my colleagues to join me in support of S. 2206, legislation that strengthens and improves some of our most important services for our neediest Americans.

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the conference report on the Senate bill, S. 2206.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO POTOMAC HIGHLANDS AIRPORT AUTHORITY COMPACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 51) granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

The Clerk read as follows:

S.J. RES. 51

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress hereby consents to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia. The compact reads substantially as follows:

"Potomac Highlands Airport Authority Compact

"SECTION 1. COUNTY COMMISSIONS EMPOWERED TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS RELATING TO CUMBERLAND MUNICIPAL AIRPORT.

''The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, may enter into intergovernmental agreements with this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, and with the Potomac Highlands Airport Authority regarding the operation and use of the Cumberland Municipal Airport situated in Mineral County, West Virginia. The agreements shall be reciprocal in nature and may include, but are not limited to, conditions governing the operation, use, and maintenance of airport facilities, taxation of aircraft owned by Maryland residents and others, and user fees.

"SEC. 2. POTOMAC HIGHLANDS AIRPORT AUTHORITY AUTHORIZED.

''The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may create and establish, with proper governmental units of this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County, and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, or any one or more of them, a public agency to be known as the 'Potomac Highlands Airport Authority' in the manner and for the purposes set forth in this Compact.

"SEC. 3. AUTHORITY A CORPORATION.

''When created, the Authority and the members of the Authority shall constitute a public corporation and, as such, shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and use a common seal.

"SEC. 4. PURPOSES.

''The Authority may acquire, equip, maintain, and operate an airport or landing field and appurtenant facilities in Mineral County, on the Potomac River near Ridgeley, West Virginia, to serve the area in which it is located.

"SEC. 5. MEMBERS OF AUTHORITY.

''(a) IN GENERAL.—The management and control of the Potomac Highlands Airport Authority, its property, operations, business, and affairs, shall be lodged in a board of seven or more persons who shall be known as members of the Authority and who shall be appointed for terms of three years each by those counties, municipal corporations, or other governmental units situated in West Virginia and Maryland as contribute to the funds of the Authority, in such proportion between those States and counties, municipal corporations, and units, and in whatever manner, as may from time to time be provided in the bylaws adopted by the Authority.

''(b) FIRST BOARD.—The first board shall be appointed as follows:

''(1) The County Commission of Mineral County shall appoint two members for terms of two and three years, respectively.

''(2) The governing official or body of the municipal corporation of Cumberland, Maryland, shall appoint three members for terms of one, two, and three years, respectively.

''(3) The governing official or body of Allegany County, Maryland, shall appoint two members for terms of one and two years, respectively.

''SEC. 6. POWERS.

''The Potomac Highlands Airport Authority has power and authority as follows:

''(1) To make and adopt all necessary bylaws, rules, and regulations for its organization and operations not inconsistent with law.

''(2) To take all legal actions necessary or desirable in relation to the general operation, governance, capital expansion, management, and protection of the Cumberland Municipal Airport.

''(3) To increase the number of members of the Authority, and to set the terms of office and appointment procedures for those additional members.

''(4) To elect its own officers, to appoint committees, and to employ and fix the compensation for personnel necessary for its operation.

''(5) To enter into contracts with any person, firm, or corporation, and generally to do anything necessary for the purpose of acquiring, equipping, expanding, maintaining, and operating an airport.

''(6) To delegate any authority given to it by law to any of its officers, committees, agents, or employees.

''(7) To apply for, receive, and use grants in aid, donations, and contributions from any sources.

''(8) To take or acquire lands by purchase, holding title to it in its own name.

''(9) To purchase, own, hold, sell, and dispose of personal property and to sell and dispose of any real estate which it may have acquired and may determine not to be needed for its purposes.

''(10) To borrow money.

''(11) To extend its funds in the execution of the powers and authority hereby given.

''(12) To take all necessary steps to provide for proper police protection at the airport.

''(13) To inventory airplanes and other personal property at the airport and provide the assessor of Mineral County and other proper governmental officials with full particulars in regard to the inventory.

''SEC. 7. PARTICIPATION BY WEST VIRGINIA.

''(a) APPOINTMENT OF MEMBERS; CONTRIBUTION TO COSTS.—The county commissions of Mineral County and of counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may appoint members of the Authority and contribute to the cost of acquiring, equipping, maintaining, and operating the airport and appurtenant facilities.

''(b) TRANSFER OF PROPERTY.—Any of the foregoing county commissions or municipal corporations may transfer and convey to the Authority property of any kind acquired previously by the county commission or municipal corporation for airport purposes.

''SEC. 8. FUNDS AND ACCOUNTS.

''(a) CONTRIBUTION AND DEPOSIT OF FUNDS.—Contributions may be made to the Authority from time to time by the various bodies contributing to its funds and shall be deposited in whatever bank or banks a majority of the members of the Authority direct and may be withdrawn from them in whatever manner the Authority directs.

''(b) ACCOUNTS AND REPORTS.—The Authority shall keep strict account of all of its receipts and expenditures and shall make quarterly reports to the public and private bodies contributing to its funds, containing an itemized account of its operations in the preceding quarter. The accounts of the Authority shall be regularly examined by the State Tax Commissioner in the manner required by Article nine, Chapter six of the Code of West Virginia.

''SEC. 9. PROPERTY AND OBLIGATIONS OF AUTHORITY EXEMPT FROM TAXATION.

''The Authority is exempt from the payment of any taxes or fees to the State of West Virginia or any subdivisions of that State or to any officer or employee of the State or other subdivision of it. The property of the Authority is exempt from all local and municipal taxes. Notes, debentures, and other evidence of indebtedness of the Authority are declared to be issued for a public purpose and to be public instrumentalities, and, together with interest on them, are exempt from taxes.

''SEC. 10. SALE OR LEASE OF PROPERTY.

''In the event all of the public corporations contributing to the funds of the Authority so determine, the Authority shall make sale of all of its properties and assets and distribute the proceeds of the sale among those contributing to its funds. In the alternative, if such of the supporting corporations contributing a majority of the funds of the Authority so determine, the Authority may lease all of its property and equipment upon whatever terms and conditions the Authority may fix and determine.

''SEC. 11. EMPLOYEES TO BE COVERED BY WORKMEN'S COMPENSATION.

''All eligible employees of the Authority are considered to be within the Workmen's Compensation Act of West Virginia, and premiums on their compensation shall be paid by the Authority as required by law.

''SEC. 12. LIBERAL CONSTRUCTION OF COMPACT.

''It is the purpose of this Compact to provide for the maintenance and operation of an airport in a prudent and economical manner, and this Compact shall be liberally construed as giving to the Authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this Compact are in addition to and not in derogation of any power existing in the county commissions and municipal corporations herein named under any constitutional, statutory, or charter provisions which they or any of them may now have or may hereafter acquire or adopt.''.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. NADLER) to explain the bill.

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

Mr. NADLER. Mr. Speaker, I rise in support of the motion. This legislation would grant the consent of Congress to a compact between the States of West Virginia and Maryland to operate the Potomac Highlands Airport Authority as required by the Compacts Clause of the Constitution.

According to the testimony received by the Subcommittee on Commercial and Administrative Law, this legislation is supported by both States and indeed our colleague the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Maryland (Mr. BARTLETT) appeared before the committee as did Senator SARBANES. The legislation is supported by both States and has the bipartisan support of the delegations of both States. I am aware of no opposition whatsoever to this legislation.

Congress' approval of this legislation is necessary for the compact to become legally effective. If that does not happen, if this legislation does not pass, the Airport Authority will be unable to borrow funds or engage in other core activities. I urge the adoption of this bill.

Mr. LEACH. Mr. Speaker, quickly in summary, let me just stress that this is an important resolution involving two States and it is very appropriate for the Congress to put its imprimatur upon it. I would urge my colleagues to support this broadly nonpartisan bill.

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

Mr. NADLER. Mr. Speaker, the gentleman from Iowa has explained the necessity for this bill cogently. I urge our colleagues to adopt 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 Iowa (Mr. LEACH) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 51.

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

A motion to reconsider was laid on the table.

DEPOSITORY INSTITUTION REGULATORY STREAMLINING ACT OF 1998

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4364) to streamline the regulation of depository institutions, to safeguard confidential banking and credit union supervisory information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4364

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Depository Institution Regulatory Streamlining Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING MONETARY POLICY

Sec. 101. Payment of interest on reserve balances at Federal reserve banks.

Sec. 102. Amendments relating to savings and demand deposit accounts at depository institutions.

Sec. 103. Transfer of Federal reserve surpluses.
Sec. 104. Study of reserve ratios for deposit insurance funds.

TITLE II—IMPROVING DEPOSITORY INSTITUTION MANAGEMENT PRACTICES

Subtitle A—National Banks

Sec. 201. Authority to allow more than 25 directors.
Sec. 202. Loans on or purchases by institutions of their own stock.
Sec. 203. Expedited procedures for certain reorganizations.

Subtitle B—Savings Associations

Sec. 211. Noncontrolling investments by savings association holding companies.
Sec. 212. Streamlining thrift service company investment requirements.
Sec. 213. Repeal of dividend notice requirement.
Sec. 214. Updating of authority for community development investments.

Subtitle C—Other Institutions

Sec. 221. Prohibition on accrual to insiders of economic benefits from credit union conversions.
Sec. 222. Amendments relating to limited purpose banks.
Sec. 223. Business purpose credit extensions.

TITLE III—STREAMLINING FEDERAL BANKING AGENCY REQUIREMENTS AND ELIMINATION OF UNNECESSARY OR OUTDATED REQUIREMENTS

Sec. 301. ''Plain English'' requirement for Federal banking agency rules.
Sec. 302. Call report simplification.
Sec. 303. Purchased mortgage service rights.
Sec. 304. Judicial review of receivership appointment.
Sec. 305. Elimination of outdated statutory minimum capital requirements.
Sec. 306. Elimination of individual branch capital requirements.
Sec. 307. Amendment to shareholder notice provisions relating to consolidations and mergers.
Sec. 308. Payment of interest in receiverships with surplus funds.
Sec. 309. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 310. Allowances for certain extensions of credit to executive officers.
Sec. 311. Federal Reserve Act lending limits.
Sec. 312. Repeal of Bank Holding Company Act provision limiting savings bank life insurance.
Sec. 313. Amendment to section 5137 of the Revised Statutes of the United States.

TITLE IV—DISCLOSURE SIMPLIFICATION

Sec. 401. Alternative disclosure for variable rate, open-ended home secured credit.

TITLE V—BANK EXAMINATION REPORT PRIVILEGE ACT

Sec. 501. Amendment to the Federal Deposit Insurance Act.
Sec. 502. Amendment to Federal Credit Union Act.

TITLE VI—TECHNICAL CORRECTIONS

Sec. 601. Technical correction relating to deposit insurance funds.
Sec. 602. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 603. Waiver of citizenship requirement for national bank directors.
Sec. 604. Technical amendment to prohibition on Comptroller interests in national banks.
Sec. 605. Applicability of limitation to prior investments.

TITLE VII—SPECIAL RESERVE FUNDS

Sec. 701. Abolition of special reserve funds.

TITLE I—IMPROVING MONETARY POLICY

SEC. 101. PAYMENT OF INTEREST ON RESERVE BALANCES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

''(12) EARNINGS ON RESERVES.—

''(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

''(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

''(i) the payment of earnings in accordance with this paragraph;

''(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

''(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(B), in a Federal reserve bank by any such entity on behalf of depository institutions which are not member banks.''.

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking ''which is not a member bank''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking ''subsection (b)(4)(C)'' and inserting ''subsection (b)''.

SEC. 102. AMENDMENTS RELATING TO SAVINGS AND DEMAND DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS.

(a) IMMEDIATE INCREASE IN THE NUMBER OF INTERACCOUNT TRANSFERS ALLOWED EACH MONTH.—Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) INTERACCOUNT TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account on which interest or dividends are paid to make up to 24 transfers per month, for any purpose, to another account of the owner in the same institution.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) for purposes of such Act.''.

(b) NOW ACCOUNTS AUTHORIZED FOR ALL BUSINESSES AFTER 2004.—

(1) IN GENERAL.—Effective on the date provided in paragraph (3), section 2 of Public Law 93–100 (12 U.S.C. 1832(a)(2)) (as amended by subsection (a) of this section) is amended to read as follows:

''SEC. 2. WITHDRAWALS BY NEGOTIABLE OR TRANSFERABLE INSTRUMENTS FOR TRANSFERS TO THIRD PARTIES.

''Notwithstanding any other provision of law, any depository institution (as defined in section 3 of the Federal Deposit Insurance Act) may permit the owner of any deposit or account to make withdrawals from such deposit or account by negotiable or transferable instruments for the purpose of making payments to third parties.''.

(2) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(A) FEDERAL RESERVE ACT.—Section 19 of the Federal Reserve Act (12 U.S.C. 371a) is amended by striking subsection (i).

(B) HOME OWNERS' LOAN ACT.—The 1st sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(C) FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by striking subsection (g).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2004.

SEC. 103. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) PAYMENTS FROM DIVIDENDS AND SURPLUS OF FEDERAL RESERVE BANKS.—Section 7(a)(3) of the Federal Reserve Act (12 U.S.C. 289(3)) is amended by striking ''fiscal years 1997 and 1998'' and inserting ''fiscal years 1998 through 2003''.

(b) ADDITIONAL TRANSFERS FOR FISCAL YEARS 1999 THROUGH 2003.—

(1) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to section 7(a)(3) of the Federal Reserve Act and section 3002(b) of the Omnibus Budget Reconciliation Act of 1993, the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 101, as estimated by the Office of Management and Budget.

(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal years 1999 through 2003, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under paragraph (1) during the fiscal year for which such transfer is made.

SEC. 104. STUDY OF RESERVE RATIOS FOR DEPOSIT INSURANCE FUNDS.

(a) REVIEW AND RECOMMENDATION.—The Board of Directors of the Federal Deposit Insurance Corporation, in consultation with the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, shall—

(1) conduct a study of the adequacy of the deposit insurance funds, taking into account—

(A) expected operating expenses, case resolution expenditures and income, and the effect of assessments on members' earnings and capital;

(B) historical failure rates and loss experience;

(C) recent changes in the law, including statutory changes requiring prompt corrective action, least-cost resolutions, and risk-based assessment systems;

(D) the income of such funds from investments;

(E) the potential implication of the Year 2000 computer problem (as defined in section 2(b)(5) of the Examination Parity and Year 2000 Readiness for Financial Institutions Act) and industry consolidation; and

(F) the historical experience of the Corporation in providing rebates or credits from any deposit insurance fund; and

(2) recommend to the Congress—

(A) an appropriate range of reserve ratios between the net worth of any deposit insurance fund and the aggregate amount of insured deposits insured by such fund; and

(B) an appropriate mechanism for rebating or providing credit from any deposit insurance fund when the balance of the fund exceeds any applicable reserve ratio.

(b) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation, in consultation with the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, shall submit a report to the Congress before June 30, 1999, containing—

(1) the findings and conclusions of the study required under subsection (a)(1); and

(2) the recommendations required under subsection (a)(2).

TITLE II—IMPROVING DEPOSITORY INSTITUTION MANAGEMENT PRACTICES

Subtitle A—National Banks

SEC. 201. AUTHORITY TO ALLOW MORE THAN 25 DIRECTORS.

Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period '', except that the Comptroller of the Currency may, by regulation or order, exempt a national banking association from the 25-member limit established by this section''.

SEC. 202. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK.

(a) AMENDMENT TO REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

''SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

''(a) GENERAL PROHIBITION.—No national banking association shall make any loan or discount on the security of the shares of its own capital stock.

''(b) EXCLUSION.—For purposes of this section, an association shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt contracted for in good faith.''.

(b) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(t) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

''(1) GENERAL PROHIBITION.—No insured depository institution shall make any loan or discount on the security of the shares of its own capital stock.

''(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt contracted for in good faith.''.

SEC. 203. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

''SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

''(a) IN GENERAL.—A national bank may, with the approval of the Comptroller, pursuant to regulations prescribed by the Comptroller, and upon the affirmative vote of the shareholders of such bank owning at least two-thirds of the outstanding capital stock of such bank, reorganize so as to become a subsidiary of a bank holding company or a company that will, upon consummation of such reorganization, become a bank holding company.

''(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

''(1) specifies the manner in which the reorganization shall be carried out;

''(2) is approved by a majority of the entire board of directors of the bank;

''(3) specifies—

''(A) the amount of cash or securities of the bank holding company, or both, or other consideration, to be paid to the shareholders of the reorganizing bank in exchange for their shares of stock of the bank;

''(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

''(C) the manner in which the exchange will be carried out; and

''(4) is submitted to the shareholders of the reorganizing bank at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

''(c) APPLICABILITY OF OTHER CRITERIA.—In considering a reorganization plan under this section, the Comptroller shall—

''(1) require the national bank to provide notice to the public in accordance with section 18(c)(3) of the Federal Deposit Insurance Act; and

''(2) apply the same standards and the same criteria as are applicable to a transaction under section 18(c) of the Federal Deposit Insurance Act, other than the requirements of paragraphs (4) and (6) of such section.

''(d) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the national bank who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or before that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of the shares of the shareholder, as provided by section 3 for the merger of a national bank.

''(e) EFFECT OF REORGANIZATION.—The corporate existence of a national bank that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

''(f) APPROVAL UNDER THE BANK HOLDING COMPANY ACT OF 1956.—Notwithstanding the preceding provisions of this section, it shall be unlawful for any action to be taken that causes any company to become a bank holding company or any bank to become a subsidiary of a bank holding company, except with the prior approval of the Board of Governors of the Federal Reserve System pursuant to section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842).''.

Subtitle B—Savings Associations

SEC. 211. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii) is amended—

(1) by inserting '', except with the prior written approval of the Director,'' after ''or to retain'';

(2) by striking ''subsidiary, or in'' and inserting ''subsidiary. In''; and

(3) by striking ''to so acquire or retain'' and inserting ''it shall be unlawful, and the Director may not authorize such a company, to acquire or retain''.

SEC. 212. STREAMLINING SAVINGS ASSOCIATION SERVICE COMPANY INVESTMENT REQUIREMENTS.

Section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended—

(1) in the subparagraph heading, by striking ''CORPORATIONS'' and inserting ''COMPANIES''; and

(2) in the first sentence, by striking ''corporation organized'' and all that follows through ''such State.'' and inserting ''company organized under the laws of any State, if such company's entire capital stock is available for purchase only by savings associations. For purposes of this subparagraph, the term 'company' includes any corporation and any limited liability company (as defined in section 1(b)(7) of the Bank Service Company Act).''.

SEC. 213. REPEAL OF DIVIDEND NOTICE REQUIREMENT.

Section 10(f) of the Home Owners' Loan Act (12 U.S.C. 1467a(f)) is amended to read as follows:

''(f) [Repealed].''.

SEC. 214. UPDATING OF AUTHORITY FOR COMMUNITY DEVELOPMENT INVESTMENTS.

Section 5(c) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended—

(1) in paragraph (3), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

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

''(7) COMMUNITY DEVELOPMENT INVESTMENTS.—

''(A) IN GENERAL.—Investments in real property and obligations secured by liens on real property for the primary purpose of promoting the public welfare, including the welfare of low- and moderate-income communities or families (including the provision of housing, services, or jobs), are permitted, subject to subparagraph (B).

''(B) LIMITATIONS.—The aggregate amount of investments of a savings association under subparagraph (A) shall not exceed the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus fund, unless the Director determines by order that a higher amount will pose no significant risk to the affected deposit insurance fund, and that the savings association is adequately capitalized, in which case the aggregate amount of such investments shall not exceed an amount equal to the sum of 10 percent of the savings association's capital stock actually paid in and unimpaired and 10 percent of the savings association's unimpaired surplus fund.''.

Subtitle C—Other Institutions

SEC. 221. PROHIBITION ON ACCRUAL TO INSIDERS OF ECONOMIC BENEFITS FROM CREDIT UNION CONVERSIONS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(t) PROHIBITION ON ECONOMIC BENEFIT FROM CONVERSION FOR CREDIT UNION OFFICERS, DIRECTORS, AND COMMITTEE MEMBERS.—

''(1) IN GENERAL.—An individual who is or, at any time during the 5-year period preceding any conversion described in paragraph (2), was a director, committee member, or senior management official of an insured credit union described in subparagraph (A) or (B) of such paragraph (in connection with

such conversion) may not receive any economic benefit as a result of the conversion with regard to the shares or interests of such director, member, or officer in the former insured credit union or in any resulting insured depository institution.

''(2) COVERED CONVERSIONS.—The following conversions are described in this paragraph for purposes of paragraph (1):

''(A) The conversion of an insured credit union into an insured depository institution.

''(B) The conversion from the mutual form to the stock form of an insured depository institution which resulted from a prior conversion of an insured credit union into such insured depository institution.

''(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INSURED CREDIT UNION.—The term 'insured credit union' has the meaning given to such term in section 101(7) of the Federal Credit Union Act.

''(B) SENIOR MANAGEMENT OFFICIAL.—The term 'senior management official' means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer (as defined by the appropriate Federal banking agency pursuant to section 32(f)).''.

SEC. 222. AMENDMENTS RELATING TO LIMITED PURPOSE BANKS.

Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking ''and'' at the end of subclause (IX);

(B) by inserting ''and'' after the semicolon at the end of subclause (X); and

(C) by inserting after subclause (X) the following new subclause:

''(XI) assets that are derived from, or are incidental to, activities in which institutions described in section 2(c)(2)(F) are permitted to engage,'';

(2) in paragraph (2)—

(A) by striking ''Paragraph (1) shall cease to apply to any company described in such paragraph if—'' and inserting ''A company described in paragraph (1) shall no longer qualify for the exemption provided under such paragraph if—''; and

(B) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) any bank subsidiary of such company engages in any activity in which the bank was not lawfully engaged as of March 5, 1987, unless the bank is well managed and well capitalized;

''(C) any bank subsidiary of such company both—

''(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

''(ii) engages in the business of making commercial loans; or

''(D) after the date of the enactment of the Competitive Equality Amendments of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in such bank's account at a Federal reserve bank, on behalf of an affiliate, other than an overdraft described in paragraph (3).''; and

(3) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

''(3) PERMISSIBLE OVERDRAFTS DESCRIBED.—For purposes of paragraph (2)(D), an overdraft is described in this paragraph if—

''(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate; or

''(B) such overdraft—

''(i) is permitted or incurred on behalf of an affiliate which is monitored by, reports to, and is recognized as a primary dealer by the Federal Reserve Bank of New York; and

''(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations which are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system.

''(4) DIVESTITURE IN CASE OF LOSS OF EXEMPTION.—If any company described in paragraph (1) fails to continue to qualify for the exemption provided under such paragraph by operation of paragraph (2), the company shall immediately notify the Board that the company has failed to continue to qualify for such exemption, and the company shall divest control of each bank it controls before the end of the 180-day period beginning on the date that the company receives notice from the Board that the company has failed to continue to qualify for such exemption, unless before the end of such 180-day period, the company has—

''(A) either—

''(i) corrected the condition or ceased the activity that caused the company to fail to continue to qualify for the exemption; or

''(ii) received approval from the Board of a plan to correct the condition in a timely manner (which shall not exceed 1 year); and

''(B) implemented procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.''.

SEC. 223. BUSINESS PURPOSE CREDIT EXTENSIONS.

Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended by adding at the end the following new subsection:

''(k) BUSINESS PURPOSE CREDIT EXTENSIONS.—

''(1) IN GENERAL.—An institution referred to in section 2(c)(2)(F) or 4(f)(3) which extends credit through credit card accounts for qualified business purposes shall not be treated as engaging in the business of making commercial loans by reason of such extensions of credit.

''(2) QUALIFIED BUSINESS PURPOSE.—

''(A) IN GENERAL.—The Board shall prescribe regulations defining the term 'qualified business purposes' for purposes of this subsection.

''(B) CERTAIN BUSINESS PURPOSES EXCLUDED.—In defining the term 'qualified business purposes' under subparagraph (A), the Board—

''(i) may not treat extensions of credit through a credit card account for expenditures for capital improvements, acquisitions of inventory, or other large acquisitions as a qualified business purpose for credit card accounts; and

''(ii) may treat extensions of credit through a credit card account for expenditures involving employee travel, entertainment, and subsistence, purchases involving a small number of items and low-dollar amounts, and other small acquisitions as qualified business purposes for credit card accounts.

''(3) CREDIT CARD DEFINED.—For purposes of this subsection, the term 'credit card' has the same meaning as in section 103 of the Truth In Lending Act.''.

TITLE III—STREAMLINING FEDERAL BANKING AGENCY REQUIREMENTS AND ELIMINATION OF UNNECESSARY OR OUTDATED REQUIREMENTS

SEC. 301. "PLAIN ENGLISH" REQUIREMENT FOR FEDERAL BANKING AGENCY RULES.

(a) IN GENERAL.—Each Federal banking agency shall use plain English in all proposed and final rulemakings published by the agency in the Federal Register after January 1, 1999.

(b) REPORT.—Not later than June 1, 2000, each Federal banking agency shall submit to the Congress a report that describes how the agency has complied with subsection (a).

(c) DEFINITIONS.—For purposes of this section and section 302, the terms ''Federal banking agency'' and ''State bank supervisor'' have the meanings given such terms in section 3 of the Federal Deposit Insurance Act.

SEC. 302. CALL REPORT SIMPLIFICATION.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies (after consulting with State bank supervisors) shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than July 1, 2000, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies (after consulting with State bank supervisors) shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency (after consulting with State bank supervisors) shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

SEC. 303. PURCHASED MORTGAGE SERVICE RIGHTS.

Section 475 of the Federal Depository Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting ''(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))'' after ''90 percent''; and

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) AUTHORITY TO DETERMINE PERCENTAGE BY WHICH TO DISCOUNT VALUE OF SERVICING RIGHTS.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(1), the appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding before the end of the 180-day period beginning on the date of the enactment of the Depository Institution Regulatory Streamlining Act of 1998 that such valuation would not have an adverse affect on the deposit insurance funds or the safety and soundness of insured depository institutions.

''(2) JOINT RULEMAKING.—Any regulations prescribed pursuant to paragraph (1) shall be prescribed jointly by the Federal banking agencies.''.

SEC. 304. JUDICIAL REVIEW OF RECEIVERSHIP APPOINTMENTS.

(a) APPOINTMENT FOR NATIONAL BANK.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by inserting ''(a) APPOINTMENT OF RECEIVER.—'' before ''The Comptroller''; and

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

''(b) JUDICIAL REVIEW.—Within 30 days after the appointment under subsection (a) of a receiver for a national bank, the national bank may bring an action in the United States district court for the judicial district in which the home office of the bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller to remove the receiver, and the court shall, on the merits, dismiss the action or direct the Comptroller to remove the receiver.''.

(b) APPOINTMENT OF FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1811(c)(7)) is amended to read as follows:

''(7) JUDICIAL REVIEW.—Within 30 days after the Corporation is appointed as conservator or receiver for an insured depository institution under paragraph (4), (9), or (10), the institution may bring an action in the United States district court for the judicial district in which the home office of the institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver, and the court shall, on the merits, dismiss the action or direct the Corporation to be removed as the conservator or receiver.''.

SEC. 305. ELIMINATION OF OUTDATED STATUTORY MINIMUM CAPITAL REQUIREMENTS.

Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is repealed.

SEC. 306. ELIMINATION OF INDIVIDUAL BRANCH CAPITAL REQUIREMENTS.

Section 5155(c) of the Revised Statutes of the United States (12 U.S.C. 36(c)) is amended—

(1) in the second sentence, by striking '', without regard to the capital requirements of this section,''; and

(2) by striking the third sentence.

SEC. 307. AMENDMENT TO SHAREHOLDER NOTICE PROVISIONS RELATING TO CONSOLIDATIONS AND MERGERS.

(a) Section 2(a) of the Act of August 17, 1950, entitled ''An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes.'' (12 U.S.C. 214a(a)) is amended by striking ''registered mail or by certified''.

(b) Sections 2(a) and 3(a)(2) of the National Bank Consolidation and Merger Act (12 U.S.C. 215(a) and 215a(a)(2)) are each amended by striking ''certified or registered'' each place it appears.

SEC. 308. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

''(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish the interest rate for or to make payments of postinsolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.''.

SEC. 309. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is repealed.

SEC. 310. ALLOWANCES FOR CERTAIN EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS.

Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by redesignating paragraphs (6) through (10) as paragraphs (8) through (12), respectively;

(2) by inserting after paragraph (5) the following new paragraphs:

''(6) A member bank may extend to any executive officer of the bank a home equity line of credit which does not exceed $100,000 and is secured by a lien on the primary residence of the executive officer, to the extent that the aggregate amount of such lien and all other outstanding extensions of credit secured by liens on such primary residence does not exceed the appraised value of such residence.

''(7) A member bank may extend credit to any executive officer of the bank in an amount not to exceed the greater of—

''(A) the amount which is the lesser of 2.5 percent of the aggregate amount of capital and unimpaired surplus of the bank or $100,000; or

''(B) $25,000,

if, at the time the credit is extended, the extension of credit is secured by readily marketable assets that have a fair market value of not less than twice the amount of credit extended.''; and

(3) in paragraph (8) (as so redesignated by paragraph (1) of this section), by striking ''(3) and (4)'' and inserting ''(3), (4), (6), and (7)''.

SEC. 311. FEDERAL RESERVE ACT LENDING LIMITS.

Section 11(m) of the Federal Reserve Act (12 U.S.C. 248(m)) is amended to read as follows:

''(m) [Repealed].''.

SEC. 312. REPEAL OF BANK HOLDING COMPANY ACT PROVISION LIMITING SAVINGS BANK LIFE INSURANCE.

Section 3(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(f)) is amended to read as follows:

''(f) [Repealed].''.

SEC. 313. AMENDMENT TO SECTION 5137 OF THE REVISED STATUTES OF THE UNITED STATES.

(a) IN GENERAL.—Section 5137 of the Revised Statutes of the United States (12 U.S.C. 29) is amended by adding at the end the following new subsection:

''(d) ADDITIONAL EXTENSION FOR PASSIVE INVESTMENTS IN SUBSURFACE RIGHTS AND INTERESTS.—

''(1) IN GENERAL.—With respect to subsurface rights of real estate, and interests in such rights, which a national bank holds pursuant to the prior approval of the Comptroller of the Currency under subsection (b), the national bank may apply for, and the Comptroller of the Currency may approve, possession by the bank of such rights and interests for an additional period not to exceed 5 years if—

''(A) the national bank acquired the property pursuant to the paragraphs designated the 'Second', 'Third', and 'Fourth' of subsection (a);

''(B) the national bank—

''(i) holds the rights or interest passively; and

''(ii) is not engaged in production, extraction, exploration, or other active use of the rights or interests;

''(C) the national bank—

''(i) values the subsurface rights and interests in such rights on the books of the bank for no more than a nominal amount; and

''(i) separately discloses the aggregate amount of earnings from the rights and interests in the annual financial statements of the bank; and

''(D) the Comptroller of the Currency determines that the possession of such rights and interests is not inconsistent with the safety and soundness of the national bank.

''(2) AUTHORITY OF COMPTROLLER OF THE CURRENCY TO REQUIRE DIVESTITURE.—The Comptroller of the Currency may order, at any time, a national bank which holds subsurface rights of real estate, and interests in such rights, pursuant to paragraph (1) to divest such rights and interests if the Comptroller determines that continued ownership of such rights or interests is detrimental to the national bank.''.

(b) TECHNICAL AMENDMENTS TO REDESIGNATE UNDESIGNATED PARAGRAPHS AS SUBSECTIONS.—Section 5137 of the Revised Statutes of the United States (12 U.S.C. 29) is amended—

(1) in the 1st undesignated paragraph by striking ''5137. A national banking association may purchase'' and inserting the following:

''SEC. 5137. POWER TO HOLD REAL ESTATE.

''(a) IN GENERAL.—A national banking association may purchase'';

(2) in the 3d undesignated paragraph, by striking ''For real estate in the possession of a national banking association upon application'' and inserting the following:

''(b) EXTENSION OF DIVESTMENT PERIOD AUTHORIZED FOR INELIGIBLE REAL ESTATE.—For real estate in the possession of a national banking association upon application''; and

(3) in the 4th undesignated paragraph, by striking ''Notwithstanding the five-year holding limitation of this section'' and inserting the following:

''(c) EXTENSION OF HOLDING PERIOD UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding the 5-year holding period limitation contained in subsection (a)''.

TITLE IV—DISCLOSURE SIMPLIFICATION

SEC. 401. ALTERNATIVE DISCLOSURE FOR VARIABLE RATE, OPEN-ENDED HOME SECURED CREDIT.

Section 127A(a)(2)(G) of the Truth in Lending Act (15 U.S.C. 1637a) is amended by inserting ''or, at the option of the creditor, a statement that periodic payments may substantially increase or decrease'' before the semicolon.

TITLE V—BANK EXAMINATION REPORT PRIVILEGE ACT

SEC. 501. AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

''SEC. 45. BANK SUPERVISORY PRIVILEGE.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) DEPOSITORY INSTITUTION.—The term 'depository institution' includes—

''(A) any institution which is treated in the same manner as an insured depository institution under paragraph (3), (4), (5), or (9) of section 8(b); and

''(B) any subsidiary or other affiliate of an insured depository institution or an institution described in subparagraph (A).

''(2) SUPERVISORY PROCESS.—The term 'supervisory process' means any activity engaged in by a Federal banking agency to carry out the official responsibilities of the agency with regard to the regulation or supervision of depository institutions.

''(3) CONFIDENTIAL SUPERVISORY INFORMATION.—Subject to paragraph (4), the term

'confidential supervisory information' means any of the following information, or any portion of any such information, which is treated as, or considered to be, confidential information by a Federal banking agency, regardless of the medium in which the information is conveyed or stored:

''(A) Any report of examination, inspection, visitation, or investigation, and information prepared or collected by a Federal banking agency in connection with the supervisory process, including any computer file, work paper, or similar document.

''(B) Any correspondence of communication from a Federal banking agency to a depository institution as part of an examination, inspection, visitation, or investigation by a Federal banking agency.

''(C) Any correspondence, communication, or document, including any compliance and other reports, created by a depository institution in response to any request, inquiry, or directive from a Federal banking agency in connection with any examination, inspection, visitation, or investigation and provided to a Federal banking agency.

''(D) Any record of a Federal banking agency to the extent it contains information derived from any report, correspondence, communication or other information described in subparagraph (A), (B), or (C).

(4) ORDINARY BUSINESS RECORDS EXCLUDED.—The term 'confidential supervisory information' shall not include any book or record in the possession of the depository institution routinely prepared by the depository institution and maintained in the ordinary course of business or any information required to be made publicly available by any Federal law or regulation.

''(b) BANK SUPERVISORY PRIVILEGE.—

''(1) PRIVILEGE ESTABLISHED.—

''(A) IN GENERAL.—All confidential supervisory information shall be the property of the Federal banking agency that created or requested the information and shall be privileged from disclosure to any other person.

''(B) PROHIBITION ON UNAUTHORIZED DISCLOSURES.—No person in possession of confidential supervisory information may disclose such information, in whole or in part, without the prior authorization of the Federal banking agency that created or requested the information, except for a disclosure made in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the affairs of any person.

''(C) AGENCY WAIVER.—The Federal banking agency may waive, in whole or in part, in the discretion of the agency, any privilege established under this paragraph.

''(2) EXCEPTION.—No provision of paragraph (1) shall be construed as preventing access to confidential supervisory information by duly authorized committees of the United States Congress or the Comptroller General of the United States.

''(c) TREATMENT OF STATE AND FOREIGN SUPERVISORY INFORMATION.—In any proceeding before a court of the United States, in which a person seeks to compel production or disclosure by a State bank supervisor, foreign bank regulatory or supervisory authority, Federal banking agency, or other person, of information or a document prepared or collected by a State bank supervisor or foreign bank regulatory or supervisory authority that would, had they been prepared or collected by a Federal banking agency, be confidential supervisory information for purposes of this section, the information or document shall be privileged to the same extent that the information and documents of Federal banking agencies are privileged under this Act.

''(d) OTHER PRIVILEGES NOT WAIVED BY DISCLOSURE TO BANKING AGENCY.—The submission by a depository institution of any information to a Federal banking agency, a State bank supervisor, or a foreign banking authority for any purpose in the course of the supervisory process of such agency or supervisor shall not be construed as waiving, destroying, or otherwise affecting any privilege such institution may claim with respect to such information under Federal or State law.

''(e) DISCOVERY AND DISCLOSURE OF INFORMATION.—

''(1) INFORMATION AVAILABLE ONLY FROM BANKING AGENCY.—

''(A) IN GENERAL.—A person seeking discovery or disclosure, in whole or in part, of confidential supervisory information may not seek to obtain such information through subpoena, discovery procedures, or other process from any person, except that such information may be sought in accordance with this section from the Federal banking agency that created or requested the information.

''(B) REQUESTS SUBMITTED TO BANKING AGENCY.—Any request for discovery or disclosure of confidential supervisory information shall be made to the Federal banking agency that created or requested the information, which shall determine within a reasonable time period whether to disclose such information pursuant to procedures and criteria established in regulations.

''(2) EXCLUSIVE FEDERAL COURT JURISDICTION OVER DISPUTES.—

''(A) IN GENERAL.—Federal courts shall have exclusive jurisdiction over actions or proceedings in which any party seeks to compel disclosure of confidential supervisory information.

''(B) JUDICIAL REVIEW.—Judicial review of the final action of a Federal banking agency with regard to the disposition of a request for confidential supervisory information shall be before a district court of the United States of competent jurisdiction, subject to chapter 7 of part I of title 5, United States Code.

''(C) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the Federal banking agency and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

''(f) SUBPOENAS.—

''(1) AUTHORITY TO INTERVENE.—In the case of any action or proceeding to compel compliance with a subpoena, order, discovery request, or other judicial or administrative process with respect to any confidential supervisory information relating to any depository institution, a Federal banking agency and the depository institution may intervene in such action or proceeding for the purpose of—

''(A) enforcing the limitations established in paragraph (1) of subsections (b) and (e);

''(B) seeking the withdrawal of any compulsory process with respect to such information; and

''(C) registering appropriate objections with respect to the action or proceeding to the extent the action or proceeding relates to or involves such information.

''(2) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the Federal banking agency and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

''(g) REGULATIONS.—

''(1) AUTHORITY TO PRESCRIBE.—Each Federal banking agency may prescribe such regulations as the agency considers to be appropriate, after consultation with the other Federal banking agencies and the National Credit Union Administration Board, to carry out the purposes of this section.

''(2) AUTHORITY TO REQUIRE NOTICE.—Any regulations prescribed by a Federal banking agency under paragraph (1) may require any person in possession of confidential supervisory information to notify the Federal banking agency whenever the person is served with a subpoena, order, discovery request, or other judicial or administrative process requiring the personal attendance of such person as a witness or requiring the production of such information in any proceeding.

''(h) ACCESS IN ACCORDANCE WITH REGULATIONS AND ORDERS.—Notwithstanding any other provision of this section, the Federal banking agency may, without waiving any privilege, authorize access to confidential supervisory information for any appropriate governmental, law enforcement, or public purpose in accordance with agency regulations or orders.''.

SEC. 502. AMENDMENT TO THE FEDERAL CREDIT UNION ACT.

Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

''SEC. 215. CREDIT UNION SUPERVISORY PRIVILEGE.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) SUPERVISORY PROCESS.—The term 'supervisory process' means any activity engaged in by the Administration to carry out the official responsibilities of the Administration with regard to the regulation or supervision of credit unions.

''(2) CONFIDENTIAL SUPERVISORY INFORMATION.—The term 'confidential supervisory information' means any of the following information, or any portion of any such information, which is treated as, or considered to be, confidential information by the Administration, regardless of the medium in which the information is conveyed or stored:

''(A) Any report of examination, inspection, visitation, or investigation, and information prepared or collected by the Administration in connection with the supervisory process, including any computer file, work paper, or similar document.

''(B) Any correspondence or communication from the Administration to a credit union arising from or relating to an examination, inspection, visitation, or investigation by the Administration.

''(C) Any correspondence, communication, or document, including any compliance and other reports, created by a credit union in response to any request, inquiry, or directive from the Administration in connection with any examination, inspection, visitation, or investigation and provided to the Administration, other than any book or record in the possession of the credit union routinely prepared by the credit union and maintained in the ordinary course of business or any information required to be made publicly available by any Federal law or regulation.

''(D) Any record of the Administration to the extent it contains information derived from any report, correspondence, communication or other information described in subparagraph (A), (B), or (C).

''(b) CREDIT UNION SUPERVISORY PRIVILEGE.—

''(1) PRIVILEGE ESTABLISHED.—

''(A) IN GENERAL.—All confidential supervisory information shall be the property of the Administration and shall be privileged from disclosure to any other person.

''(B) PROHIBITION ON UNAUTHORIZED DISCLOSURES.—No person in possession of confidential supervisory information may disclose

such information, in whole or in part, without the prior authorization of the Administration, except for a disclosure made in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the affairs of any person.

''(C) AGENCY WAIVERS.—The Board may waive, in whole or in part, in the discretion of the Board, any privilege established under this paragraph.

''(2) EXCEPTION.—No provision of paragraph (1) shall be construed as preventing access to confidential supervisory information by duly authorized committees of the United States Congress or the Comptroller General of the United States.

''(c) OTHER PRIVILEGES NOT WAIVED BY DISCLOSURE TO ADMINISTRATION.—The submission by a credit union of any information to the Administration or a State credit union supervisor for any purpose in the course of the supervisory process of the Administration or such supervisor shall not be construed as waiving, destroying, or otherwise affecting any privilege such institution may claim with respect to such information under Federal or State law.

''(d) DISCOVERY AND DISCLOSURE OF INFORMATION.—

''(1) INFORMATION AVAILABLE ONLY FROM ADMINISTRATION.—

''(A) IN GENERAL.—A person seeking discovery or disclosure, in whole or in part, of confidential supervisory information may not seek to obtain such information through subpoena, discovery procedures, or other process from any person, except that such information may be sought in accordance with this section from the Administration.

''(B) REQUEST SUBMITTED TO ADMINISTRATION.—Any request for discovery or disclosure of confidential supervisory information shall be made in the Administration, which shall determine within a reasonable time period whether to disclose such information pursuant to procedures and criteria established in regulations.

''(2) EXCLUSIVE FEDERAL COURT JURISDICTION OVER DISPUTES.—

''(A) IN GENERAL.—Federal courts shall have exclusive jurisdiction over actions or proceedings in which any party seeks to compel disclosure of confidential supervisory information.

''(B) JUDICIAL REVIEW.—Judicial review of the final action of the Administration with regard to the disposition of a request for confidential supervisory information shall be before a district court of the United States of competent jurisdiction, subject to chapter 7 of part I of title 5, United States Code.

''(C) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the Administration and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

''(e) SUBPOENAS.—

''(1) AUTHORITY TO INTERVENE.—In the case of any action or proceeding to compel compliance with a subpoena, order, discover request, or other judicial or administrative process with respect to any confidential supervisory information relating to any credit union, the Administration and the credit union may intervene in such action or proceeding for the purpose of—

''(A) enforcing the limitations established in paragraph (1) of subsections (b) and (d);

''(B) seeking the withdrawal of any compulsory process with respect to such information; and

''(C) registering appropriate objections with respect to the action or proceeding to the extent the action or proceeding relates to or involves such information.

''(2) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the Administration and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

''(f) REGULATIONS.—

''(1) AUTHORITY TO PRESCRIBE.—The Board may prescribe such regulations as the Board considers to be appropriate, after consultation with the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), to carry out the purposes of this section.

''(2) AUTHORITY TO REQUIRE NOTICE.—Any regulations prescribed by the Administration under paragraph (1) may require any person in possession of confidential supervisory information to notify the Administration whenever the person is served with a subpoena, order, discovery request, or other judicial or administrative process requiring the personal attendance of such person as a witness or requiring the production of such information in any proceeding.

''(g) ACCESS IN ACCORDANCE WITH REGULATIONS AND ORDERS.—Notwithstanding any other provision of this section, the Administration may, without waiving any privilege, authorize access to confidential supervisory information for any appropriate governmental, law enforcement, or public purpose in accordance with agency regulations or orders.''.

TITLE VI—TECHNICAL CORRECTIONS

SEC. 601. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note; Public Law 104–208; 110 Stat. 3009–496) is amended by striking ''7(b)(2)(C)'' and inserting ''7(b)(2)(E)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996.

SEC. 602. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking ''subsection (d) of section 4'' and inserting ''subsection (c) or (d) of section 4''.

SEC. 603. WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.

Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the 1st sentence, by inserting before the period '', and waive the requirement of citizenship in the case of not more than a minority of the total number of directors of a national bank which is an affiliate (as defined in section 3(w)(6) of the Federal Deposit Insurance Act) of a foreign bank''.

SEC. 604. TECHNICAL AMENDMENT TO PROHIBITION ON COMPTROLLER INTERESTS IN NATIONAL BANKS.

Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking ''to be interested in any association issuing national currency under the laws of the United States'' and inserting ''to hold an interest in any national bank''.

SEC. 605. APPLICABILITY OF LIMITATION TO PRIOR INVESTMENTS.

(a) IN GENERAL.—Section 18(s) of the Federal Deposit Insurance Act (12 U.S.C. 1828(s)) is amended by adding at the end the following new paragraph:

''(5) CERTAIN INVESTMENTS.—Paragraph (1) shall not apply to investments lawfully made before April 11, 1996, by a depository institution in a Government-sponsored enterprise.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if such amendment had been included in the amendment made by section 2615(b) of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 as of the effective date of such section.

TITLE VII—SPECIAL RESERVE FUNDS

SEC. 701. ABOLITION OF SPECIAL RESERVE FUNDS.

(a) SAIF SPECIAL RESERVE.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by striking subparagraph (L).

(b) SPECIAL RESERVE OF THE DEPOSIT INSURANCE FUND.—Section 2704 of the Deposit Insurance Funds Act of 1996 is amended—

(1) by striking subsection (b);

(2) by striking paragraph (4) of subsection (d);

(3) in subsection (d)(6)(C)(i), by striking ''(6) and (7)'' and inserting ''(5), (6), and (7)''; and

(4) in subsection (d)(6)(C)(ii), by striking ''(6)'' and inserting ''(5)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if such amendments had been included in the Deposit Insurance Funds Act of 1996 as of the date of the enactment of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

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

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, at this hour of the night I want to thank the Speaker and say to my colleagues here that we have a very important bill here that is somewhat complex but nevertheless we have strong bipartisan support for, and that is the reason we are here under suspension of the rules. We are considering tonight what has become a persistent issue with the Banking Committee and the Congress, namely legislation to relieve the regulatory burden on financial institutions and seeking ways to streamline the regulatory process. It is a very important issue.

We talk a lot about deregulation but here is one way we can actually take some substantive action to deal with it. This Depository Institution Regulatory Streamlining Act of 1998 will provide important regulatory relief for financial institutions. I certainly want to thank the gentleman from Iowa (Mr. LEACH) for his assistance. Without his support and strong leadership, we would not be here this evening. Also I want to acknowledge the work of the gentleman from New York (Mr. LAFALCE) the ranking member of the full committee who is with us tonight, and also the ranking member of the subcommittee, the gentleman from Minnesota (Mr. VENTO). We have had, as I stated, strong bipartisan support with significant reforms. The gentleman from Minnesota and I worked very hard to produce this bill at the subcommittee level, and I believe we have come

up with a good product. I regret that we do not have everything that we would have liked in this bill, but it is a significant step forward. Certainly the gentleman from Minnesota and I are intent on continuing our work together, and that there are other agreements on changes that we might be able to make in the future, namely at least in one respect and probably in others as well, but the one that I would single out here tonight is the debit card area, where next year I hope we can take some action. Indeed, we have a letter here which we have agreed, on a bipartisan basis, to send to the Federal Reserve regarding the customer notification issue, and we hopefully will be able to solve that problem.

I also should mention not only the interest of the gentleman from Minnesota (Mr. VENTO) the gentleman from New York (Mr. LAFALCE), the gentleman from Iowa (Mr. LEACH) and mine but also the gentleman from Wisconsin (Mr. BARRETT), a strongly contributing member of our committee.

I would like to point out that the subcommittee had the responsibility to assure that Federal banking laws and regulations in the supervisory system not only promote the safety and soundness of the banking system but in so doing it is important to recognize that we need to review on a regular basis the legal requirements that have been imposed to assure ourselves the continuing efficacy and reliability of the system. Clearly as we all know, and we see worldwide, financial markets and the banking industry are evolving at a tremendous pace, and as changes in the industry occur, old approaches may or may not be appropriate and new ones need to be advanced. That is what this bill is about.

Because of the time here and because of the unanimity of opinion, we certainly do want to hear from our chairman the gentleman from Iowa (Mr. LEACH), other members of the committee and certainly the gentleman from New York (Mr. LAFALCE), I will only outline the major portions of the bill. It has a wide ranging number of subjects, but the five most important provisions or most singular provisions are as follows.

Interest on the sterile reserves is the first major issue that we deal with. Without going into the details of it, the bill would authorize the Federal Reserve Board to pay interest on reserve balances, both required and excess reserve balances that are held at Federal Reserve banks. This is a significant change in banking law with very positive effects for both the banks and the Federal Reserve, and it will make it far easier to manage the economy. Without going into all the different aspects of it, I would simply point out that this provision is strongly supported by the Federal Reserve Board as well as by the banking industry.

Our colleagues on the committee, both the gentleman from Washington (Mr. METCALF), who is here this evening, we will be hearing from and the gentlewoman from New York (Mrs. KELLY) have been the prime advocates and leaders on this issue. I am sure we will be interested in hearing the gentleman from Washington's perspective on this and other portions of the bill.

□ 0120

The second issue is the interest on business checking. It is a major component of the bill. Financial institutions are currently prohibited by Federal statute from paying interest on business transaction accounts, and actually, as so often happens in these cases and other business aspects of our economy, financial institutions have circumvented the statutory provision in different ways and have demonstrated that it is really not a current provision that we should keep in place.

So we are changing this outdated prohibition of interest on business checking and have provided a 6-year transition period for the elimination of the interest on business checking prohibition so that all parties can make adjustments to this proposal.

This has been somewhat controversial but we think we have reached an accommodation that should satisfy all parties, and it should be noted that the National Federation of Independent Business, the Treasury Management Association and the U.S. Chamber of Commerce all support repeal of that provision.

We also have in the bill the Bank Examination Report Privilege Act. Now that sounds like a lot but it establishes a privilege for correspondence, materials and information which regulators collect from banks and it is a very essential modification that should be, as far as we can tell and the way we have worked it out with all interested parties, including the American Bar Association, that it will bring us up to modern times and still not create a privilege for all documents which are turned over to the regulators.

The gentleman from Florida (Mr. MCCOLLUM), a member of the committee, was very instrumental in helping us reach this conclusion. The SAIF special reserve fund, and the time is going on so I shall simply mention the SAIF special reserve fund which now is possible to adjust and repeal the special reserve fund because of the conditions, both in the BIF and the SAIF and the sound economy that we have, and suffice it to say that all parties are completely supportive of that provision.

Of course, we like to hear this: The CBO has scored this provision and reported that there is no cost.

I am going to conclude now, without going into the details of the CEBA banks, but suffice it to say that this makes an adjustment and a reform from a 1987 law and one that is included in H.R. 10 but it has the support of everyone on all sides. We think it is long overdue reform.

Mr. Speaker, I reserve the balance of my time and would wait to hear the other Members.

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

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

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 4364.

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

Mrs. ROUKEMA. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, the principal beneficiaries of the Depository Institution Regulatory Streamlining Act are the Nation's small businesses and their customers. The bill, so ably put together by the Subcommittee on Financial Institutions and Consumer Credit, under the leadership of the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Minnesota (Mr. VENTO) will repeal overtime prohibitions in current law that bar banks from paying interest on business checking accounts.

In addition, the bill authorizes financial institutions to establish on an interim basis 24-transaction-a-month money market accounts for businesses. In effect, this means that small businesses, which have fewer options in money management than their larger competitors, will be able to have their money work for them.

The gentlewoman from New York (Mrs. KELLY) deserves special attention for her contributions in helping craft this important provision.

Given the liquidity problems increasing in American banking, the above provisions will enable the principal providers of credit, to midsized American business, to more efficiently serve their customers.

I would like also to call attention to one other provision of the bill and that involves the Federal Reserve Board being allowed for the first time to pay interest to depository institutions on the money they are required to keep on reserve with the Fed.

This would appear on its face to be only fair. Banks should be treated as equitably as others and allowed to collect interest on their savings. A critical upshot of advancing this commonsense precept is that the Fed will be able to better manage monetary policy because disincentives for holding funds at the Fed will be reduced.

This important provision has been advanced with great effectiveness over the past several Congresses by the gentleman from Washington (Mr. METCALF) and he deserves enormous credit for introducing legislation in this regard and keeping it before the Committee on Banking, Housing, and Urban Affairs for such a long period of time.

In closing, I would like to thank or note again the hard work in bringing this bill to the floor by our subcommittee chairman, the gentlewoman from

New Jersey (Mrs. ROUKEMA), the ranking member of the full committee, the gentleman from New York (Mr. LAFALCE), and the gentleman from Minnesota (Mr. VENTO), and, of course, particularly to the gentleman from Washington (Mr. METCALF), who has worked so tirelessly for the principles that are in this bill.

Mrs. ROUKEMA. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. METCALF), a member of the committee.

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

Mr. METCALF. Mr. Speaker, let me first thank the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking, Housing, and Urban Affairs, the gentlewoman from New Jersey (Mrs. ROUKEMA), the Chair of the Subcommittee on Financial Institutions and Consumer Credit, and the many members of the subcommittee.

I also thank the committee for adopting my bill, the Small Business Banking Act of 1997, as a section of today's bill. This bill represents a culmination of bipartisan effort that many have worked diligently to achieve.

Many people are unaware that small businesses are prohibited, by an outdated 60-year-old law that prevents them from earning interest on their business checking accounts. To address these problems, I have in both the 104th and 105th Congresses introduced legislation to simply allow, not mandate but to allow, the paying of interest on business checking accounts now prohibited under law.

I have heard from hundreds of banks across the Nation. Given the late hour, I will just mention a few. A banker from Iowa wrote, ''There seems to be little reason to continue to prohibit interest-bearing checking accounts for businesses or corporations. Further, small community banks such as ourselves must either spend additional dollars to offer a sweep type of product or lose small business customers' accounts.''

A banker from Wisconsin wrote, ''Small banks are now required to use creative repurchasing agreement accounting in an attempt to compete. Why are our customers being disadvantaged? Please level the playing field.''

In expressing his support of this legislation, Federal Reserve Chairman Alan Greenspan wrote, ''It would eliminate a significant distortion in financial markets that places small businesses at a particular disadvantage. Moreover, it would assist us in our implementation of monetary policy. Permitting depository institutions to pay interest on demand deposits would eliminate a constraint that serves no purpose and imposes unnecessary costs on both businesses and depository institutions.''

The U.S. Chamber of Commerce, the world's largest business federation, wrote in support of the bill, ''By allowing for more open competition, this legislation offers an important opportunity to small business owners to establish a more complete relationship with their financial service providers.''

□ 0130

The list goes on and on of those who support this legislation, including the National Federation of Independent Businesses, the Mutual Fund Company, T. Rowe Price, and America's Community Bankers.

In conclusion, this is a chance to do something tangible to help every small business in every congressional district. America's small businesses cannot afford for Congress to further delay lifting this outdated and anticompetitive prohibition. I encourage my colleagues to support this legislation.

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

Mr. LAFALCE. Mr. Speaker, how much time do I have remaining.

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from New York (Mr. LAFALCE) has 19½ minutes remaining.

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

Mr. Speaker, I would be remiss if I did not congratulate everyone associated with this bill, most especially the chairman of the full committee, the chairman of the subcommittee, and the distinguished ranking member of the subcommittee the gentleman from Minnesota (Mr. VENTO) also.

I do want to single out that the chairman of the full committee, too. There were provisions within the subcommittee bill that was reported out of subcommittee that were ardently sought by Members of his own party, very adamantly opposed by ours.

There were provisions in the bill, other provisions that were vehemently opposed by ours and some provisions that Members from our side wanted to add to the bill. I think he took a very judicious, prudential approach in producing in a bipartisan fashion a bill that everyone today could support and is deserving of passage, not only by this House, but by the Senate, and deserving of signature by the President of the United States. I hope that will come about.

I thank the gentleman from Iowa (Mr. LEACH) and the gentlewoman from New Jersey (Mrs. ROUKEMA) for their cooperative attitude very much.

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

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

Mr. Speaker, I do thank the ranking member for those kind words. It does show how we can be a standard for the rest of the Congress in our bipartisan efforts here. I again congratulate the chairman of the full committee. Mr. Speaker I have no further requests for time.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 4364, the Financial Institution Regulatory Streamlining Act of 1998. This Member has a long history of initiating and supporting regulatory relief efforts and this bill is another substantial step toward this end.

This Member would like to thank the distinguished gentlelady, [Mrs. ROUKEMA] the Chairperson of the Banking Subcommittee on Financial Institutions Subcommittee from New Jersey, for introducing this bill and for her efforts in bringing H.R. 4364 to the House Floor. This Member would also like to express his appreciation to the distinguished gentleman from Iowa [Mr. LEACH], the Chairman of the full Banking Committee, and the distinguished gentleman from New York [Mr. LAFALCE], the Ranking Minority Member of the full Banking Committee, for their efforts in bringing this measure to the House Floor today.

Before going into specific provisions of H.R. 4364, this Member believes that it is imperative to note that efforts directed toward regulatory burden-relief benefits both financial institutions and consumers. It allows financial institutions to conduct their business more efficiently as well as reducing the costs of banking to the consumer.

This Member is supportive of H.R. 4364 for the following three reasons.

1. H.R. 4364 would allow the Federal Reserve to pay interest on reserve balances maintained by depository institutions at Federal Reserve Banks at a rate no greater than the general level of short-term interest rates. This Member understands and appreciates the beneficial effect of this provision since it enhances the liquidity of depository institutions which in turn will positively impact the manner in which depository institutions conduct their lending practices.

2. This measure also applauds the H.R. 4364 provision which would allow for the payment of interest on business checking accounts effective October 1, 2004. This provision, which is both pro-business and pro-commerce, eliminates an undue and unnecessary regulation.

3. This Member would also like to highlight three under-recognized, but important parts of H.R. 4364 which will decrease the everyday regulatory burden on financial institutions.

For instance, provision in H.R. 4364 would require Federal Banking Agencies to use plain English in all proposed and final rules published after January 1, 1999. This measure will help all financial institutions from confusing and perplexing rules.

Furthermor, H.R. 4364 permits the Comptroller of the Currency to waive the current restriction on having no more than 25 directors serve on the board of national banks. It appears to this Member that there actually is no rationale to support the current regulatory limit of 25. This measure appropriately enhances the flexibility and freedom of a National Bank.

One additional small, but consequential, provision of regulatory relief is the repeal of the Dividend Notice Requirement. Financial institutions are many times inundated with regulatory paperwork. This simple provision would eliminate the 30-day advance notice to the Office of Thrift Supervision of a dividend payment by a savings association to its savings and loan holding company.

In closing, because of the above reasons and others, this Member would encourage the House to vote in support of H.R. 4364.

Mr. METCALF. Mr. Speaker, let me first thank the Chairman of the Banking Committee

and also thanks to the Gentlelady from New Jersey, the Chair of the Financial Institutions Subcommittee, and the many members of the Subcommittee. I also thank the committee for adopting my bill—The Small Business Banking Act of 1997, as a major section of today's legislation. This Act now represents a culmination of bi-partisan effort that many have worked diligently to perfect.

Many people are unaware that small businesses are prohibited by an outdated 60 year-old law that prevents them from earning interest on their business checking accounts. What's more ironic is that many banks are actually clamoring to have the choice to serve their business customers by offering interest on these accounts.

To address these problems, I have, in both the 104th and 105th Congresses, introduced legislation to allow, not mandate, but to allow banks and savings institutions to pay interest on business checking accounts, which is now prohibited under law.

By lifting the current prohibition against banks offering interest, the legislation would allow banks to give small businesses this critically needed option. It would also allow banks the opportunity to better address the business concerns of their local communities without having to undergo costly, cumbersome procedures.

But don't take my word for it. Listen to some comments I have received from community banks across the nation:

A banker from Iowa wrote: ''There seems little reason to continue to prohibit interest bearing checking accounts for businesses or corporations . . . Further, small community banks such as ourselves must either spend additional dollars to offer a sweep type of product or lose a small business customers' accounts.''

A banker from Wisconsin wrote: ''Small banks are now required to use 'creative repurchase agreement accounting' in an attempt to compete. Why are our customers being disadvantaged? Please level the playing field.''

In expressing his support for the legislation, Federal Reserve Chairman Alan Greenspan wrote: ''It would eliminate a significant distortion in financial markets that places small businesses at a particular disadvantage. Moreover, it would assist us in our implementation of monetary policy . . . Permitting depository institutions to pay interest on demand deposits would eliminate a constraint that serves no purpose and imposes unnecessary costs on both businesses and depository institutions.''

The U.S. Chamber of Commerce—the world's largest business federation—wrote in support of the bill: ''By allowing for more open competition, your legislation offers an important opportunity to small business owners to establish a more complete relationship with their financial service providers.''

The list goes on of those who support this bill, including: The National Federation of Independent Businesses; T. Rowe Price, the mutual fund company; and America's Community Bankers.

In closing, this is a chance to do something tangible to help every small business in every congressional district. America's small businesses cannot afford for Congress to further delay lifting this outdated and anti-competitive prohibition. I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 4364, which will provide some fair and needed relief from unnecessary regulations for many of our banks and other financial institutions. I want to thank Chairman ROUKEMA of the financial institutions subcommittee for putting this bill together and to Chairman LEACH of the full committee for helping to bring it to the floor this year.

Balancing efforts to remove unnecessary regulations, improve competition and protect consumers is never easy, but I think this bill balances all those important goals and will contribute to strengthening the financial services industry and promote new products for consumers.

I would like to comment in particular on sections 222 and 223 of the bill which I believe will promote competition and increase the quality of financial products available to consumers. These sections will lift some outdated restrictions from limited-purpose banks and allow these institutions to offer new products consistent with their charter; cross-market the financial products of their affiliates; offer business credit cards to their customers; and correct problems in a reasonable period of time in consultation with the Federal Reserve. These changes will increase the products available to consumers without unfairly affecting other financial service providers. This is consistent with the intent of the entire bill which seeks to help businesses and consumers while maintaining sound regulation.

Again, I want to thank all the members involved for their cooperative efforts on this legislation, and I urge the House to approve H.R. 4364.

Mrs. KELLY. Mr. Speaker, I thank the gentlewoman from New Jersey for yielding me time. Mr. Chairman, I rise today in strong support of H.R. 4364, the Depository Institution Regulatory Streamlining Act. This legislation represents the tireless efforts of many of my colleagues, especially the gentleman from Washington, Mr. METCALF.

H.R. 4364 is a well balanced legislative package of financial services regulatory relief. I was pleased when provisions from my legislation, H.R. 4082, were included in this bill and know that these provisions will help banks better serve their customers.

One of these provisions will allow banks to conduct ''24 sweeps'' in a given month for their commercial checking customers. Currently, banks are prohibited from paying interest on commercial checking accounts. These sweeps allow banks to move funds sitting in a commercial checking account into an interest bearing account daily after all transactions have occurred in the commercial account. The next morning the money would then be ''swept'' back into the commercial accounts, with interest. Currently, banks are only allowed to do this six times a month. Operation of additional sweeps each month would not affect the safety and soundness of banks and will allow banks to pay interest on commercial checking accounts.

In my discussions with banks, I have found that complying with this provision would take minimal effort since we will only be increasing their ability to sweep from six times a month to 24. This initiative represents a real ''win-win'' for banks and businesses.

I want to again thank the gentleman from Washington for his hard work on this bill, as well as the gentlewoman from New Jersey, Mrs. ROUKEMA, the gentleman from Minnesota, Mr. VENTO and the committee staff who worked so hard to make this bill a reality.

Lastly, I am pleased with the bipartisan consensus we have achieved with this legislation and I ask my colleagues from both sides of the aisle to join me in support for House passage of H.R. 4364.

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 4364, the Depository Institution Regulatory Streamlining Act of 1998, legislation that I have worked on for many months and which I cosponsored at introduction.

I am pleased that the anti-CRA amendment that forced the opposition of all the Democrats on the Financial Institutions Subcommittee has been removed because it would effectively exempt over 80% of financial institutions from CRA, I have remaining concerns.

I am uncomfortable with the extension of the delay in allowing interest on business checking accounts, a sound public policy change that should really be effective as soon as possible, from three years to six years. However, because we were able to find an accommodation for a very minor notification provision for consumers about the debit cards they are now receiving as replacement cards for the ATM cards and the response to the F.T.C. concerns on broadcast disclosure I'm for the time supporting this process.

I do want to note for all the Members of the House, that at the Financial Institutions Subcommittee, we worked well together to assure that we would not be condemned to repeat history on regulatory burden relief. I thank the gentlelady from New Jersey, Chairwoman ROUKEMA, and her staff, for their work with us on this legislation. We crafted a balanced bill on which we held a comprehensive hearing. We worked with Members, the regulators and consumer and industry interests to advance a solid, yet basically non-controversial regulatory burden relief bill that did not adversely affect consumers, nor undercut some of the very laws that protect safety and soundness of our financial institutions.

That is not to say that this bill is completely without controversy. Title I, which contains the provisions to allow interest on business checking, a big plus for small-and medium-sized businesses which are not sweep always able to take advantage of the so-called accounts, also allows the Federal Reserve Board to pay interest on sterile reserves. Obviously, that policy, path has a price and we chose in the bill to pay for the scoring by using the Fed surplus. How far past this House floor that these provisions will advance is not clear to me at this time.

This bill provides for the elimination of the SAIF special reserves which in pulling off funds and reserving them from the Savings Association Insurance Fund could set up a differential premium and get us back in the BIF-SAIF ''situation'' that engulfed us in the last Congress. I support this provision that is supported by the FDIC.

H.R. 4364 also provides some housecleaning type provisions for the banking regulators, bringing outdated statutes up to date, clarifying the meaning of changes made in previous laws, and providing technical corrections to many laws.

Let me be clear, this bill is not about consumer burden relief which should have been in order. Indeed, our Financial Institutions Subcommittee held hearings on some timely topics including privacy issues, unsolicited loan checks and other provisions that could

have been added. Many Democratic Members, including myself, would have liked to include positive proactive legislation for consumers. For example, I would have like to increase the limit for the applicability for non-mortgage Truth In Lending Act coverage from $25,000 to $50,000 so that consumers who buy a vehicle that costs more than $25,000 would be protected by TILA. These kinds of provisions, however, were held off in the spirit of pragmatism, trying to move a bill quickly and not to bog it down in controversy.

Let me finally say, regulatory burden relief can generally be a good premise, but not if it breaches consumer protection OR safety and soundness boundaries. It cannot be an excuse for the lowest common denominator with regards to consumers, communities and safety and soundness. I supported working on this legislation so that we can maintain a non-partisan, non-controversial stance on some needed changes. There are unnecessarily changes, however, that were suggested.

For example, there are provisions in the regulatory relief bill that has been pending in the other body and I do find very egregious. They are absent in this bill and I appreciate the willingness to work together on this bill without those sort of provisions. That is what has made this bill a suspension bill today. Because of our less controversial approach, we may well have facilitated the positive consideration of this legislation in the very limited window we have left.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and pass the bill, H.R. 4364, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. ROUKEMA. 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. 4363, the bill just passed.

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

There was no objection.

CONSUMER REPORTING EMPLOYMENT CLARIFICATION ACT OF 1998

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2561) to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

The Clerk read as follows:

S. 2561

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 ''Consumer Reporting Employment Clarification Act of 1998''.

SEC. 2. USE OF CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.

(a) DISCLOSURE TO CONSUMER.—Section 604(b)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(2)) is amended to read as follows:

''(2) DISCLOSURE TO CONSUMER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless—

''(i) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

''(ii) the consumer has authorized in writing (which authorization may be made on the document referred to in clause (i)) the procurement of the report by that person.

''(B) APPLICATION BY MAIL, TELEPHONE, COMPUTER, OR OTHER SIMILAR MEANS.—If a consumer described in subparagraph (C) applies for employment by mail, telephone, computer, or other similar means, at any time before a consumer report is procured or caused to be procured in connection with that application—

''(i) the person who procures the consumer report on the consumer for employment purposes shall provide to the consumer, by oral, written, or electronic means, notice that a consumer report may be obtained for employment purposes, and a summary of the consumer's rights under section 615(a)(3); and

''(ii) the consumer shall have consented, orally, in writing, or electronically to the procurement of the report by that person.

''(C) SCOPE.—Subparagraph (B) shall apply to a person procuring a consumer report on a consumer in connection with the consumer's application for employment only if—

''(i) the consumer is applying for a position over which the Secretary of Transportation has the power to establish qualifications and maximum hours of service pursuant to the provisions of section 31502 of title 49, or a position subject to safety regulation by a State transportation agency; and

''(ii) as of the time at which the person procures the report or causes the report to be procured the only interaction between the consumer and the person in connection with that employment application has been by mail, telephone, computer, or other similar means.''.

(b) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Section 604(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(3)) is amended to read as follows:

''(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates—

''(i) a copy of the report; and

''(ii) a description in writing of the rights of the consumer under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

''(B) APPLICATION BY MAIL, TELEPHONE, COMPUTER, OR OTHER SIMILAR MEANS.—

''(i) If a consumer described in subparagraph (C) applies for employment by mail, telephone, computer, or other similar means, and if a person who has procured a consumer report on the consumer for employment purposes takes adverse action on the employment application based in whole or in part on the report, then the person must provide to the consumer to whom the report relates, in lieu of the notices required under subparagraph (A) of this section and under section 615(a), within 3 business days of taking such action, an oral, written or electronic notification—

''(I) that adverse action has been taken based in whole or in part on a consumer report received from a consumer reporting agency;

''(II) of the name, address and telephone number of the consumer reporting agency that furnished the consumer report (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis);

''(III) that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide to the consumer the specific reasons why the adverse action was taken; and

''(IV) that the consumer may, upon providing proper identification, request a free copy of a report and may dispute with the consumer reporting agency the accuracy or completeness of any information in a report.

''(ii) If, under clause (B)(i)(IV), the consumer requests a copy of a consumer report from the person who procured the report, then, within 3 business days of receiving the consumer's request, together with proper identification, the person must send or provide to the consumer a copy of a report and a copy of the consumer's rights as prescribed by the Federal Trade Commission under section 609(c)(3).

''(C) SCOPE.—Subparagraph (B) shall apply to a person procuring a consumer report on a consumer in connection with the consumer's application for employment only if—

''(i) the consumer is applying for a position over which the Secretary of Transportation has the power to establish qualifications and maximum hours of service pursuant to the provisions of section 31502 of title 49, or a position subject to safety regulation by a State transportation agency; and

''(ii) as of the time at which the person procures the report or causes the report to be procured the only interaction between the consumer and the person in connection with that employment application has been by mail, telephone, computer, or other similar means.''.

SEC. 3. PROVISION OF SUMMARY OF RIGHTS.

Section 604(b)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(1)(B)) is amended by inserting '', or has previously provided,'' before ''a summary''.

SEC. 4. NATIONAL SECURITY INVESTIGATION CONFORMING AMENDMENTS.

(a) GOVERNMENT AS END USER.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended by adding at the end the following:

''(C) Subparagraph (A) does not apply if—

''(i) the end user is an agency or department of the United States Government that procures the report from the person for purposes of determining the eligibility of the consumer to whom the report relates to receive access or continued access to classified information (as defined in section 604(b)(4)(E)(i)); and

''(ii) the head of the agency or department makes a written finding as prescribed under section 604(b)(4)(A).''.

(b) NATIONAL SECURITY INVESTIGATIONS.—Section 613 of the Fair Credit Reporting Act (15 U.S.C. 1681k) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''A consumer''; and

(2) by adding at the end the following:

''(b) EXEMPTION FOR NATIONAL SECURITY INVESTIGATIONS.—Subsection (a) does not apply in the case of an agency or department of the

United States Government that seeks to obtain and use a consumer report for employment purposes, if the head of the agency or department makes a written finding as prescribed under section 604(b)(4)(A).''.

SEC. 5. CIVIL SUITS AND JUDGMENTS.

Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended—

(1) in paragraph (2), by striking ''Suits and Judgments which'' and inserting ''Civil suits, civil judgments, and records of arrest that'';

(2) by striking paragraph (5);

(3) in paragraph (6), by inserting '', other than records of convictions of crimes'' after ''of information''; and

(4) by redesignating paragraph (6) as paragraph (5).

SEC. 6. TECHNICAL AMENDMENTS.

The Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended—

(1) in section 603(d)(2)(A)(iii), by striking ''any communication'' and inserting ''communication'';

(2) in section 603(o)(1), by striking ''(d)(2)(E)'' and inserting ''(d)(2)(D)'';

(3) in section 603(o)(4), by striking ''or'' at the end and inserting ''and'';

(4) in section 604(g), by striking ''or a direct marketing transaction'';

(5) in section 611(a)(7), by striking ''(6)(B)(iv)'' and inserting ''(6)(B)(iii)''; and

(6) in section 621(b), by striking ''or (e)''.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall be deemed to have the same effective date as the amendments made by section 2403 of the Consumer Credit Reporting Reform Act of 1996 (Public Law 104–208; 110 Stat. 3009–1257).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. Leach).

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

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

Mr. LEACH. Mr. Speaker, S. 2561, the Consumer Reporting Employment Clarification Act of 1998 amends the Fair Crediting Reporting Act FCRA to revise certain changes that were made to the act last Congress. Some of these changes had inadvertent consequences on the trucking industry's hiring practices.

Specifically, the bill amends the FCRA to remove burdensome restrictions so that trucking companies will be able to conduct background investigations of driver applicants in a timely and efficient manner to help ensure highway safety.

S. 2561 has bipartisan support and the agreement of the Federal Trade Commission and consumer advocacy groups. The bill is also strongly supported by the American Trucking Association and the Truckload Carriers Association.

The legislation also amends the FCRA so employers have access to critical information in order to make informed hiring decisions. Current law exempts convictions of crime from consumer reports after 7 years for individuals applying for jobs with an annual salary of less than $75,000. S. 2561 would remove this exemption. Such information is particularly crucial in the hiring process for employers in the area of child or elderly care, school bus driving, and household services.

This bill provides for small changes to the FCRA that will have a significant impact on the efficiency of many employers' hiring practices, resulting in a safer environment for all.

I would like to commend Senator NICKLES, Senator BRYAN, and Senator MACK for their work on this legislation and the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Oklahoma (Mr. WATTS) for their leadership in the House and the gentleman from New York (Mr. LAFALCE) for his cooperation in ensuring that this important legislation is able to be brought before us at the last moments of this Congress.

By background, on September 30, 1996, Congress enacted amendments to the Fair Credit Reporting Act (FCRA) that unintentionally hindered the ability of trucking companies to hire safe, professional truck drivers. The new regulations, which went into effect last Fall, require trucking companies to obtain written consent from truck driver applicants before the company may obtain driving records and accidents history information required by the Federal Highway Administration.

the hiring process in the trucking industry, which employs over 3.5 million drivers, depends on an immediate ability to verify a driver's safety and employment history before a company will put a driver behind the wheel. Because of the high volume of applicants and the need to verify instantly safety and employment information, many trucking companies utilize an ''800'' number system. Under this system, trucking carriers will accept applications for employment over the telephone, and immediately orders a background report to determine if the applicant meets the carriers' hiring requirements. Due to the industry's high standards, the industry hires only one of every ten applicants.

The new FCRA regulations have forced the trucking industry to add multiple, unnecessary steps to its hiring procedures, especially since these background checks are already required under federal law. Moreover, because of the burdensome paperwork requirements under these regulations, and because the industry is currently facing a critical shortage of drivers, many carriers will have no choice but to put drivers behind the wheel before their safety records can be verified. This obviously raises serious highway safety concerns. For all these reasons, the trucking industry strongly supports an amendment to FCRA that would permit trucking companies to accept an applicants consent over the telephone.

Section 604 of the FCRA establishes, among other items, the conditions under which a consumer reporting agency may furnish a consumer report for employment purposes. Current law requires prospective employers to certify to the consumer reporting agency that certain notices, including a summary of rights in the event of adverse action, have been given to the consumer and that information from the report will be used for lawful purposes.

In addition, the consumer reporting agency may only furnish a report to a prospective employer if the agency provides with the report the summary of consumer rights. The amendment establishes that the intent of the statute can be met without the consumer reporting agency providing the summary every time a report is obtained. Instead, the requirement is satisfied if the consumer reporting agency has previously provided a summary of rights. The amendment codifies interpretive letter of the Federal Trade Commission in this area.

Section 4 amendments are conforming amendments for provisions added to Section 604(b)(4) in the Intelligence Authorization Act of 1998. These provisions created an exception for providing certain disclosures to consumers if a written determination was obtained from the relevant agency that the disclosure would threaten national security, endanger an individual's safety or hamper an official investigation. The proposed amendments provide for full compliance with the Intelligence Authorization provisions and protect consumer reporting agencies from unwarranted liability.

The Intelligence Authorization Act amendments failed to make conforming exceptions for requirements imposed upon consumer reporting agencies. First, under Section 609, a consumer reporting agency must, upon request, disclose to the consumer the end-user of the report. The amendment would provide an exception to that requirement if the relevant agency makes the appropriate written determination.

Second, under Section 613, consumer reporting agencies may be required to provide consumers with the name and address of person seeking consumer reports consisting of public record information. The amendment establishes an exception for disclosing this information in the context of the national security area.

Under current law, if an individual is seeking a job with an annual salary below $75,000, no records of criminal activity, including convictions, may be reported if they antedate the report by more than seven years. This information may be of critical value to prospective employers, especially those in the areas of child or elderly care, school bus driving and household services. Under the bill, convictions of crimes from the seven-year obsolescence period would be exempted.

All in all this is a common sense bill designed to protect the public. I encourage support of all members.

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

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

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

Mr. LAFALCE. Mr. Speaker, I rise in support of S. 2561, associate myself fully with the remarks of the distinguished chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH).

Mr. Speaker, I rise in support of S. 2561, a bill to provide limited clarifications and technical corrections to the Fair Credit Reporting Act. I wish to thank the Chairman of the Banking Committee for bringing this legislation to the floor under suspension.

While I believe we need to be extremely cautious in accepting any proposal to revise the Fair Credit Reporting Act, especially those offered in the rush before adjournment, let me

say that I have closely reviewed this bill and have no objections. The exceptions that the bill creates from current FCRA requirements are justifiable and are very narrowly targeted. In addition, the bill provides a number of technical improvements to FCRA that were drafted with the assistance and support of the Federal Trade Commission.

The primary issue addressed by the bill relates to problems encountered by a limited number of firms that provide employment screening for national trucking companies. Under FCRA any report on an individual produced by a hired third party falls under the category of a ''consumer report''. It requires, where such reports are prepared for employment purposes, that certain disclosures be provided in writing to the individual who is the subject of the report; that the individual provide written authorization for release of the report and that the employer provide a written copy of the report to the applicant where an adverse decision is made based on information in the report.

Since the companies providing employment screening for trucking firms seek applications in all parts of the country and communicate primarily by telephone, fax or mail, current FCRA requirements that disclosures and authorizations be made in person and in writing are inappropriate and burdensome. The legislation would add several narrowly crafted exceptions to FCRA that would permit—where employment applications are taken by phone, mail or electronically—greater flexibility in providing required disclosures and authorizations either by ''oral, written or electronic means'', and in permitting delivery of a credit report to an applicant within three days after an adverse employment decision.

I believe these exceptions are reasonable and have been crafted to apply very narrowly only to truck driving positions that are defined and regulated under Federal law. The bill also makes a number of additional technical changes, most of which are intended to correct drafting errors made in the 1996 FCRA Amendments,

Mr. Speaker, the clarifications made by S. 2561 are supported by the Federal Trade Commission, they have been signed-off on by U.S. PIRG, and they have raised no objections among the major national consumer organizations.

I urge that the House suspend the rules and adopt S. 2561.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in strong support of the ''Consumer Reporting Employment Clarification Act of 1998.''

I would like to thank Banking Committee Chairman LEACH and Ranking Member LAFALCE, House Leadership, Senators CONNIE MACK and RICHARD BRYAN, and Senate Assistant Majority Leader DON NICKLES—Oklahoma's Senior Senator—for their hard work on and their support of this legislation that will streamline the trucking industry's hiring of competent, professional, and safe truck drivers.

Unfortunately, current Fair Credit Reporting Act (FCRA) regulations have forced the trucking industry to add multiple, unnecessary steps to its hiring procedures. Worse, because of burdensome paperwork requirements under these regulations, and because the industry is currently facing a critical shortage of drivers, many carriers have been forced to put drivers behind the wheel before their safety records can be verified. This is not what Congress intended when it enacted changes to the FCRA.

This legislation will expedite the process by which employment background information is exchanged between truck company employers and truck drivers. Instead of having to obtain written consent from a potential employee to procure a consumer report, truck company employers will not be able to obtain a potential employee's consent by mail, over the telephone, or by means of computer or fax machine.

I encourage my colleagues to support this bill. It has received the endorsement of the Federal Trade Commission—which enforces the FCRA—major credit institutions, consumer advocacy groups, and is strongly supported by the American Truckers Association and by trucking companies and truckers in Oklahoma.

Let's put highway safety before bureaucratic red tape and correct this safety problem immediately, and vote for this legislation.

Again, I would like to thank those involved in the process of bringing this legislation to the floor.

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

Mr. LEACH. 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 Iowa (Mr. LEACH) that the House suspend the rules and pass S. 2561.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2561, the Senate bill just passed.

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

There was no objection.