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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

August 2, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DOGGETT) for 5 minutes.

BETTER AMERICA BONDS, H.R. 2446

Mr. DOGGETT. Mr. Speaker, it has been said that the only means of conservation is innovation, and I believe that is what Vice President GORE had in mind in recommending an innovative proposal called Better America Bonds. I joined him back in January of this year over at the American Institute of Architects with a number of outstanding planners and conservationists to announce this initiative. Now, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from California

(Mr. MATSUI), the gentleman from Oregon (Mr. BLUMENAUER) and I, along with a number of our colleagues, have filed this legislation to establish the Better America Bonds program.

Mr. Speaker, we believe that the Federal Government should be an active partner with local communities supporting their efforts to build more livable communities as we approach the 21st century.

I believe that there is strong, broad-based support for these locally developed, "smart growth" or sustainable growth initiatives. The Better America Bonds program would assist State and local governments in their efforts to plan for their future growth and development.

Through the issuance of this new type of bond, one that carries a Federal tax credit as opposed to a small amount in interest payments, local governments would be enabled to make purchases to preserve green space, create or restore urban parks, or simply to clean up land or water.

I believe that the preservation of more open space, more green space in which families can enjoy life, is becoming a leading environmental issue across this country. Both property values on homes and the basic quality of life that we all expect are improved with additional open space and parks.

It really is not that hard to understand why that is so if we are coming or going from Washington, D.C. along the George Washington Parkway or the Rock Creek Parkway. Or if, as my wife and I like to do, one is enjoying bicycling along the trail that leads beside the parkway down to Mt. Vernon, one recognizes how much the beauty of the green space and the opportunity to walk and play in that green space adds to the quality of life.

Mr. Speaker, the Better America Bonds legislation has some 110 Members of this House now as cosponsors. We would provide up to almost \$10 bil-

lion in bonding authority for communities across the country to buy up threatened farmland or to purchase downtown waterfront property to convert into a park perhaps, like the great hike and bike trail we have along Town Lake in my hometown of Austin, Texas. In Austin, we have a number of new projects that are under consideration, including a project along Waller Creek, and a project for an additional Town Lake park, both to preserve green space. Additional green space provided through these projects means not only more fun but more opportunity for economic development in some areas that have been neglected and not properly used in the past by the city.

My constituents back in central Texas have realized the importance of additional green space acquisition and of clean water by approving local bond initiatives through which the City of Austin has already purchased some 15,000 acres of land towards this objective. These new land purchases will protect our sensitive environment in central Texas and provide additional parks.

They have also provided a unique opportunity for some groups that have warred against each other to work together. In Austin, the Save Our Springs Alliance, the Greater Austin Chamber of Commerce and the Real Estate Council were once opposing each other over some of the environmental efforts in the community. Now they have united in what is called a "Vast Open Spaces" project to acquire additional land and in the process of uniting over this issue, they have come to achieve some common ground on a number of other issues toward improving the quality of life in central Texas as well. I believe that the Better America Bonds program, by supporting that kind of effort, will allow them to do an even better job, reach more parts of our community, and provide more

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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parks and green space, not only along Town Lake but throughout central Texas.

Mr. Speaker, I think the same kind of thing can happen around the country, whether it is along the Anacostia here in Washington, the Chattahoochee in Atlanta, or along the Los Angeles River, these bonds provide the opportunity to reinvigorate downtown areas, make them more livable, and reinvigorate the economy in some of these areas.

The Better America Bonds initiative has received support from the American Institute of Architects and the National Realty Committee because they support strong neighborhood planning and this program provides the means for communities to do just that. Communities and local governments are also supporting the Better America Bonds program because these bonds are much less costly to a local government for them to use than the traditional interest bearing ones.

As Vice President GORE said earlier this year, "Plan well, and you have a community that nurtures commerce and private life. Plan badly, and you have what many of us suffer from firsthand: Gridlock, sprawl and that uniquely modern evil of all, too little time."

We incorporated this concept of Better America Bonds in the Democratic tax substitute. It received a substantial number of votes, and I hope that we can come together in a bipartisan effort to support Better America Bonds in the future. I believe that we must all be active participants in preserving our livable communities for our children and grandchildren. Through innovative conservation programs like Better America Bonds, we can ensure this legacy.

OCALA, FLORIDA POLICE DEPARTMENT
CRIME PREVENTION:
"WEED AND SEED"

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I would like to bring to the attention of my colleagues a report that was issued this spring of this year from the Department of Justice Office of Justice Programs called "Weed and Seed Best Practices." I thought this was a very interesting report and in this report is featured an officer from my hometown of Ocala, Florida.

For many of my colleagues, the "Weed and Seed" program, as they know, is a community-based crime prevention program. Federal, State, and local law enforcement agencies, community support services, local businesses, and ordinary citizens get together to weed out violent crime and drug use and plant the seeds to foster new community growth and, of course, stability in that community.

The "Weed and Seed" program began with three pilot sites in 1991. As of today, there are over 200 pilot sites and one of those, of course, Mr. Speaker, is in my hometown of Ocala, Florida, which is in my congressional district. The article, as I mentioned earlier, is written by Ken DeVilling, a lieutenant with the Ocala Police Department, the Crime Prevention section. I would like to share what Lieutenant DeVilling's observations were and actually the eminent success of the Ocala Police Department and the surrounding community in their fight against crime.

As Lieutenant DeVilling mentioned in his article, the City of Ocala was, of course, not immune to the effects of crack cocaine and the subsequent surge of crime. Additional resources were needed and the Ocala Police Department had the foresight to recognize the newly developed "Weed and Seed" program as a viable solution to rising crime in my hometown. So myself, and with the help of my other colleagues in Florida and the Florida delegation, they assisted me in getting Ocala as a site designated as a "Weed and Seed" program.

A number of initiatives were created by the Ocala Police Department using the funds that were provided by this "Weed and Seed" program. One initiative was the creation of a community organization called the Community Council Against Substance Abuse which was comprised of members of the local Community Commission, the city council, school board, State attorney's office and of course other community organizations.

As a result of these organizations getting together, Ocala recorded its lowest crime rate in 1998. Furthermore, in 1997, the city's homicide rate was only one, and in the previous decades it went as high as 20 per year.

Another program that is cited in this article is called "Problem-Oriented Policing." Under this program, officers identify possible areas which, quote, detract from good living conditions in the neighborhoods they patrol, end quote. These areas may be abandoned lots or houses that are abandoned or they might be areas that provide haven for drug trafficking and criminal activities.

Once they identify these areas, a form is completed by the officer and is sent through the chain of command. The identified site is then referred to the city department best able to handle the situation. Let me quote from Lieutenant DeVilling in the article when he says, "It is not uncommon for a police officer to identify a dilapidated building which is used as a crack House. Within a short time, the building is burned to the ground by firemen to practice and improve their skills. The property is then cleared and recycled. These recycled properties are frequently used for purposes such as building a brand-new home by Habitat for Humanity."

Other programs operated by the Ocala Police Department include drug

education for young people, drug abuse resistance education, and of course dealing with the gangs through education and training.

Mr. Speaker, this morning I am pleased to be here. I commend the Ocala Police Department, the local and State officials, and all the organizations involved in this dramatic, dramatic success achieved in crime prevention. As we here in Congress attempt to find solutions to the violence that is sweeping this country and this Nation, it is comforting to know that our local law enforcement and community organizations working hard to combat this problem at its source and it is happening in my hometown of Ocala. They are succeeding.

Mr. Speaker, I will submit to enter into the RECORD Lieutenant DeVilling's article as it appears in the Department of Justice's spring 1990 report, "Weed and Seed and Best Practices Report." For brevity, Mr. Speaker, I will submit only that section dealing with "Taking it to the Streets," which is a small part of this article explaining how the Ocala Police Department actually reduced crime in my hometown using the "Weed and Seed" program.

My efforts this morning are also to recognize the fine things being done by the Ocala Police Department to reduce and eliminate crime in my hometown of Ocala, Florida.

TAKING IT TO THE STREETS

The programs and projects conducted by the Ocala Police Department, Crime Prevention Section include:

Drug Education For Youth (DEFY): This program was developed by the U.S. Navy and offered through the Department of Justice to local law enforcement organizations. The program at our level reaches out to underprivileged children and offers one-on-one mentoring for a full year. Most of the mentors are police personnel. We conduct a summer day camp and the local Army Reserve personnel attend and provide various instructional topics for the kids. We take the children on field trips to places offering educational and inspirational experiences. We also arrange for them to conduct their own community programs such as delivering fruit baskets to the elderly.

DARE (Drug Abuse Resistance Education): DARE is a well-known elementary school program which we have implemented in all of the primary schools in Ocala with the assistance of the Marion County School Board. Our program reaches over 1000 school-children each year.

GREAT (Gang Resistance Education and Training): the GREAT program is similar in concept to DARE, but it is directed toward an older group of students and offers a different message. Street gangs are becoming a serious problem in the United States. Some cities are already overburdened with "after the fact" abatement programs and additional police efforts to cope with the violence, destruction, and crime created by these groups. The Ocala Police Department and the Marion County School Board, with the help of CCASA have implemented the GREAT program in all seventh grade classes in the city schools. The classes teach anti-violence, drug resistance, gang resistance, self-esteem, conflict resolution, and other important topics. This program will soon reach 1000 students each school year.

Other ongoing programs implemented through the Ocala Police Department are designed to address specific challenges in issue areas at various times. These projects may be operated for only a short time (one to two days) or for extended periods (a full year). We employ a concept of dynamic approach and response to community needs in order to provide our services in a timely manner. Programs can be implemented and discontinued as community needs indicate.

The following activities and events are only part of those conducted by Crime Prevention Section and the Ocala Police Department family as part of their regular duties:

- Business Police Academy.
- Citizens Police Academy.
- Citizens Police Academy Alumni Association.
- Bicycle Safety Rodeos.
- "Cops" Kids & Firemen Day.
- Crime Prevention Week.
- Neighborhood Watch.
- Business Watch.
- Safe Halloween.
- Community Clean-up Days.
- Special Olympics Picnic.
- DARE and GREAT Skate Nights.
- "AMI" (Aid to the Mentally Impaired).
- Police Explorers Post.
- Neighborhood Cookouts.
- "SAFE HOME" Program.
- Police Recruit Academy.
- Scholarships.
- Community Resource Center.
- Crime Prevention Programs.
- Security Surveys.
- McGruff Program Activity.
- "Crash Dummies" Program.
- "Casey" the talking car.
- Operation "Kid ID"
- Project Graduation.
- Host Statewide DARE Day.
- HUD Summer Programs.
- Red Ribbon Campaign.
- Vacation Bible School.
- Health Fairs.

The future of law enforcement is already here. Crime prevention has proven to be successful and will continue to be the foundation of progressive law enforcement as we move into the 21st century.

For more information contact: Lt. Ken DeVilling, Phone (352) 629-8290, Fax (352) 629-8391.

TWO FLOODS AND YOU ARE OUT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there is a theme this morning on the floor of the House: dealing with how we can promote livable communities. Whether it is dealing with community-oriented policing, "Weed and Seed," or associating the comments of the gentleman from Texas (Mr. DOGGETT) about Better America Bonds, there is a lot that the Federal Government can do to make a difference for things that people really care about, making their families safe, economically secure and healthy.

Mr. Speaker, a critical part of making the Federal Government a better partner in promoting livable communities is the work we do with basic infrastructure. Rather than spending a lot of new money, making new rules

and regulations and starting new programs, one the most important contributions the Federal Government can make is using our existing resources more wisely.

Nowhere is that more clearly illustrated than what we do with water resources. Currently, the Federal Government makes it easier to spend money paving a creek to stop flooding than to restore wetlands to achieve the same goal. I have already introduced legislation that would make it easier for communities to invest in cheaper, greener approaches to flood protection. This approach does not need to cost the Federal Government an additional dime, and it gives the communities more choices as they solve their problems and increase livability.

The National Flood Insurance program poses another critical water resource management challenge. It is appropriate for the Federal Government to step in when there is a case of unforeseen natural disaster. However, if it is clear that some people make it hard on themselves by continuing to invest in unwise anti-environmental, unsustainable situations, then we have an obligation to draw the line. The Federal taxpayer should not be paying for people to live in places where God repeatedly has shown that he does not want them.

There is a home in Houston which has an appraised value of \$114,000 which has received over \$800,000 in flood insurance payments in 16 events in the last 10 years. Over 5,600 properties, nearly 1 in 10, have loss claims which exceed the value of the property. Forty percent of our flood insurance goes to 2 percent of the property that is repeatedly flooded.

Mr. Speaker, if the local government and private property owners are going to be foolish, they need to do it on their own dime. Indeed, it is not just our money they are wasting; these development patterns take on a life of their own. They pressure organizations like the Corps of Engineers, FEMA and state and local communities to further engineer the environment and protect ill-advised development from flooding, often succeeding in making matters worse.

Despite having spent over \$40 billion since 1960, our losses adjusted for inflation are three times greater than when we started the building spree. Our disaster relief costs have increased 550 percent in the last 10 years.

It is time for us to rethink our policies and our investments. It is time to stop the waste of money, predictable loss of property, and threat to public safety. As a basic simple common sense step, it is time to reform the National Flood Insurance program.

Mr. Speaker, I am pleased to join with the gentleman from Nebraska, (Mr. BEREUTER) who has long been a champion of reforming the Flood Insurance Program to propose a simple approach to repetitive flood loss. We retool the Flood Insurance Program so

that rather than continuing to rebuild a repeatedly flooded home, the program would provide homeowners with money to help them move away from flood waters or at least floodproof their homes. Those who refuse assistance must start paying the real actuarial insurance costs for the risks that they choose to take.

This policy is both humanitarian and fiscally responsible, allowing people to move out of harm's way and protecting the Federal taxpayer by making the National Flood Insurance program solvent. We need to enforce the existing rules and regulations to keep people out of harm's way. We need to spend money to prevent loss rather than repeatedly cleaning up after it is too late.

This basic solution to more livable communities will not require more money or bureaucratic regulations. As usual, a livable community is possible if the Federal Government is a thoughtful partner with citizens and their local government. I would like to urge my colleagues to join with me and the gentleman from Nebraska (Mr. BEREUTER) to reform the National Flood Insurance program and to sign on as cosponsors of our "Two Floods and You're Out" legislation.

WHO IS RECKLESS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. MICA) is recognized during morning hour debates for 5 minutes.

Mr. MICA. Mr. Speaker, from time to time the comments from this administration and the President of the United States lead me to the floor to comment. I think my colleagues and the American people saw the President of the United States calling the Republicans reckless. And I guess I am included in that, I am a Republican. We were called reckless for proposing a significant tax cut for the American people.

Mr. Speaker, I almost had to chuckle to hear the President of the United States call me reckless and the Republicans for offering a tax cut. It is almost hysterical when we think about it when the other side of the aisle for some 40 years had control of this body and under the Constitution of the United States we all know bills, financial bills start in the House of Representatives on the basis of a judgment made by our founding fathers. For 40 years, the recklessness of the other side nearly bankrupt this Nation.

When I came into the House of Representatives in 1992, we were facing financial disaster. This was carried through with the reckless policy of this President who instituted one of the largest tax increases in American history a few months after his election. And again when he had complete majorities in the House, the Senate, and controlled the White House.

What was reckless is 40 years of taking money out of Social Security. It is

like robbing our senior citizens's pension accounts, their funds, and using it for outlandish spending. Spending really to buy votes and win elections in a giveaway program that backfired and nearly ran us into financial oblivion. That is reckless.

Reckless when they robbed every trust fund, including the Federal employee's trust funds, when they robbed the highway trust funds, which this responsible new majority has restored. Is it reckless in fact when we guarantee 63 percent and we create a lock-box to secure revenues for the future stability and security of Social Security? That is responsible.

Mr. Speaker, some people I guess just do not know the meaning of recklessness.

Then to provide health insurance, there are 43 million Americans in this Nation that do not have health insurance. What is interesting is two-thirds to three-quarters of them are employed. Our plan for financial assistance and tax cuts and tax credits will allow millions and millions of Americans who work at minimum or low wage or small employers who are the largest employers, and most of those people who do not have health insurance are not covered but they do work, we are providing in this tax relief package a responsible package. It is reckless in my opinion not to provide those working men and women with at least a minimal chance of getting some health coverage.

So somehow we have a difficulty between determining what is reckless and what is responsible. I think what the Republicans, the majority and myself, have done is a responsible action. I think we have a history of a President and a party who has dealt in recklessness. I think the examples are clear and the financial statements speak for themselves.

TAKE A CLOSE LOOK AT TAX CUT PROPOSALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. OLVER) is recognized during morning hour debates for 5 minutes.

Mr. OLVER. Mr. Speaker, it is sort of irony that I should be following the gentleman who just spoke because I am going to be speaking about the same thing. That was not specifically planned, but I am glad that it comes out that way.

Mr. Speaker, we are told this week that the main business of the Congress is proposals which have now passed both the House and the Senate to provide for an \$800 billion tax cut. Any time the Congress is thinking about tax cuts, it behooves everyone in America to hang on to their wallet, to sit up and take notice, to pay very close attention to who is being given tax breaks and why. But also how that differs from who the proponents are saying is going to get the tax breaks.

This week is no exception at all. The Republican leadership says that their tax cut is for the middle-class. For the middle-class in America, working Americans. For the middle-class. Well, that is clearly not true if we look at what has passed the House and the Senate. The House passed its bill 2 weeks ago. And starting at the wealthiest end of Americans, at Bill Gates, at the wealthiest end and come down to an annual income of \$300,000 a year, that 1 percent, just over a million Americans who have incomes between \$300,000 a year and Bill Gates, that richest 1 percent is on average going to get \$54,000 of tax breaks. It turns out to be 45 percent of the total of all the tax reduction being proposed goes to the 1 percent of the wealthiest Americans.

If we take 6 million Americans, 5 percent starting at the top of the scale down to an income of \$125,000 a year, I think it might be instructive to remember that every single Member of the Congress, every Member of the House and every Member of the Senate has income greater than \$125,000 a year, that 5 percent will average \$15,000 a year in tax cuts and gets 61 percent of the total reduction.

Mr. Speaker, if we start at the other end and come all the way up, all the way up from the lowest income American to people making under \$125,000 a year, all 95 percent of them, all 120 million taxpayers, they will receive less than the 1 percent whose income is over \$300,000 per year. It turns out that those people, who include the broad middle-class, income from \$25,000 a year to \$65,000 a year under the House-passed bill, would get less than half as much in total tax reduction as the 1 percent richest portion of the population.

Let me put that in slightly different terms. If we were to take 100 people that we know, one person whose income is over \$300,000 a year and the rest whose income comes down from that point, and we have \$100 to give out in tax reduction, 100 people and \$100 in tax reduction, that one wealthiest person, that single one is going to get \$45. Forty-five of the dollars that it is possible to give out under the circumstances. Ninety-five people, the 95 starting from the lowest income up to incomes that covers the broad middle-class, they are going to get a total of \$39 divided among them.

If we look at it in terms of families, a family making \$30,000 a year would get less than \$1 a day in tax reduction. A family making \$50,000 a year, two people working, second jobs whatever it happens to be but under \$50,000 a year, at \$50,000 a year they would get less than \$2 a day in income. Yet the person who is making \$1 million a year, that person would get \$70,000 in that year. \$200 a day in tax breaks.

The Senate-passed plan is a little bit different. The wealthiest 5 percent in the Senate plan gets almost the same amount as the 95 percent, the 120 million people whose income is less than

\$125,000 a year. And, again, I would urge my colleagues to remember that the portion of the population that is getting most of the tax break includes every Member of the House and the Senate of the United States. I have to ask, does anyone think that that is a fair way to distribute tax reduction in this country?

RECESS

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

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

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

Let us pray. We are grateful, O God, that the scriptures remind us that You are always with us and that Your love and forgiveness and strength will never depart from us. Whatever our concern or whatever our adversity, You restore our souls; and You lead us in the paths of righteousness. So it is with gratitude that we know we are never alone and we are never apart from Your strong arm. Your rod and Your staff they comfort us. Surely goodness and mercy shall follow us all the days of our lives and we will dwell in Your house forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CHABOT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE PRESIDENT

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 107. Concurrent resolution expressing the sense of Congress rejecting the conclusions of a recent article published in the *Psychological Bulletin*, a journal of the American Psychological Association, that suggests that sexual relationships between adults and children might be positive for children.

H. Con. Res. 168. Concurrent resolution waiving the requirement in section 132 of the Legislative Reorganization Act of 1946 that the Congress adjourn sine die not later than July 31, 1999.

The message also 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. 2488. An act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2488) "An Act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

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

S. 1467. An act to extend the funding levels for aviation programs for 60 days.

S. 1468. An act to authorize the minting and issuance of Capitol Visitor Center Commemorative coins, and for other purposes.

The message also announced that pursuant to Public Law 100-458, the Chair, on behalf of the Majority Leader, appoints the Senator from Virginia (Mr. WARNER) to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a term ending October 11, 2004.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, July 30, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 591(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (112 STAT. 2681-210), I hereby appoint to the National Commission on Terrorism:

Ms. Juliette N. Kayyem of Cambridge, Massachusetts.

Yours Very Truly,
RICHARD A. GEPHARDT.

THE REAL COST OF TAXING MINING INTERESTS

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

Mr. GIBBONS. Mr. Speaker, today I rise to address the claim of some of my colleagues that gold mines get a free ride because they do not pay their fair share of Federal royalties. Well, when considering a Federal tax increase on the mining industry, we must always remind my tax and spend colleagues to take into account the adverse effect of such a tax increase on state and local tax revenues as well.

There is a direct correlation between increasing mining royalties or taxes and the reduction in mining activities. The unintended consequence is that State and local governments suffer great tax losses by these resulting decreases in mining activities. Federal royalties are deductible from the income base on which many of these State taxes are levied. This results in an even less tax dollar amount for State and local governments. Even a recent economic analysis shows that an 8 percent gross royalty would cost State and local governments hundreds of millions in tax revenues every year.

Mr. Speaker, it becomes very clear that when a Federal royalty is not in the best economic interests of this country or the mining industry, we should avoid it.

Abraham Lincoln had the great foresight when he said, "Tell the miners for me that I shall promote their interests to the utmost of my ability, because their prosperity is the prosperity of the Nation, and we shall prove in a very few short years that we are indeed the treasury of the world."

NORTH KOREA ACCUSED OF DRUG DEALING

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

Mr. TRAFICANT. Mr. Speaker, needing cash to run their government, the government of North Korea has been accused of selling heroin and cocaine. I am not kidding you. Reports say that North Korean agents were arrested by international police possessing 80 pounds of cocaine and \$100 million worth of methamphetamines that was sponsored for sale officially by their government.

Now, if that is not enough to trigger your overdose, on or about the same time, the White House announced they are asking Congress for another \$55 million in foreign aid for North Korea.

Unbelievable. North Korea is selling dope, and Uncle Sam is fronting the

buy money. Beam me up, Mr. Speaker. So help me.

I yield back further the fact that North Korea is building missiles that are being aimed in the future at America.

DEFINING A TARGETED TAX CUT

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

Mr. CHABOT. Mr. Speaker, when I hear some of my liberal friends on the other side of the aisle, not the gentleman who just spoke, I might add, talk about targeted tax cuts, I know exactly what they mean. It means you will not be getting one.

Republicans, I should add, also are putting forth a targeted tax cut, but there is a very big difference. If you are a taxpayer, you get one.

That is right, our targeted tax cuts target all taxpayers, a concept that really sticks in the craw of many of my liberal friends on the other side of the aisle.

Many politicians in Washington have a hard time coming to grips with the fact that the budget surplus, a tax overpayment, really, does not belong to them. That money, every penny of it, belongs to the taxpayers.

Washington is taking more than it needs out of the pockets of those who work all over this country and pay their taxes.

The bottom line is the American people are overtaxed, and the real issue is, who should decide how the money gets spent: The bureaucrats up here in Washington, or the taxpayers all over this country.

I will cast my lot with the people of this Nation. Let us cut the taxes on the American people, and let us do it now.

REPORT ON REVISED DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-109)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, now totaling \$173 million.

The deferral affects programs of the Department of State.

WILLIAM J. CLINTON,
THE WHITE HOUSE, August 2, 1999.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule

XX, 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 6 of rule XX.

Such rollcall votes, if postponed, will be taken later today.

AMENDING FEDERAL RESERVE ACT TO BROADEN RANGE OF DISCOUNT WINDOW LOANS WHICH MAY BE USED AS COLLATERAL FOR FEDERAL RESERVE NOTES

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1094) to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes, as amended.

The Clerk read as follows:

H.R. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of the second undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended by striking "acceptances acquired under the provisions of section 13 of this Act" and inserting "acceptances acquired under section 10A, 10B, 13, or 13A of this Act".

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, I rise in support of H.R. 1094, a bill to broaden the range of discount window loans which may be used as collateral for Federal Reserve notes.

I would like to point out at the outset this is not a new approach for this House. Virtually the same proposal was incorporated into the bankruptcy reform bill, H.R. 833, which passed this body on May 5, but which has not yet cleared the other body.

The bill enjoys the strong support of the Federal Reserve, as reflected in correspondence with Federal Reserve Chairman Alan Greenspan to the last Congress, and again in testimony by the member of the Federal's Board of Governors, Edward Kelly, at a hearing held by the committee in April.

The bill also enjoins strong bipartisan support on the Committee on Banking and Financial Services. The original sponsors of the bill include the ranking minority member of the full committee, the gentleman from New York (Mr. LAFALCE), as well as the Chairman of the Subcommittee on Domestic and Monetary Policy, the gentleman from Alabama (Mr. BACHUS),

the ranking member, the gentlewoman from California (Ms. WATERS), and I understand it has the support of my good friend, the gentleman from Minnesota (Mr. VENTO).

Mr. Speaker, I would like to take a brief moment to explain the need for the bill and the issue of timing. Section 16 of the Federal Reserve Act requires the Federal Reserve to collateralize Federal Reserve notes when they are issued. The list of eligible collateral includes, at present, Treasury and Federal agency securities, gold certificates, special drawing rights certificates, and foreign currencies. In addition, the legally eligible backing for currency includes discount window loans made under Section 13 of the Federal Reserve Act.

Over the years, Congress has added a new section to the law to permit lending by the Federal Reserve to depository institutions under provisions other than section 13 and against a broader range of collateral. However, section 16 has not been similarly amended to accommodate these new sections, thus limiting the types of loans the Federal can use to back currency. For example, certain discount window loans made by the Federal under 10B of the Act and secured by mortgages on one-to-four family residences cannot be used to back currency.

The bill before us today, H.R. 1094, simply seeks to update the currency collateral provisions in section 16 to reflect the broader range of collateral accepted for discounted window loans under section 10A, section 10B and section 13A of the Federal Reserve Act.

Finally, I would like to point out the reason for bringing this measure to the floor today as a stand-alone proposal is one of timing. According to the Federal Reserve Board, the existing limits on currency collateral are becoming a potential problem because of the increased use of retail sweep accounts over the past 5 years and the corresponding decline in reserve balances that can be used as excess collateral for currency. The small margin of available currency collateral could pose a potential problem should there be a substantial increase in the demand for discount window loans due to temporary, or unusual, circumstances, such as might occur around the year 2000 date change.

Mr. Speaker, as I explained earlier, this is not a new proposal, but given the issues of timing and the need to ensure that our bank agencies have all the necessary tools at their disposal to smooth the transition to the year 2000, I believe it is important for this body to act separately on this bill. I appreciate the great courtesies extended by the minority in this regard.

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

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

Mr. Speaker, I join the gentleman from Iowa (Chairman LEACH) of the

Committee on Banking and Financial Services in supporting this much needed measure. It will ensure that the public has available any and all cash it might demand near the end of the year as the country's computer systems make their changeover to the new millennium. Although we expect few if any problems with our Nation's banks at that time, this is a prudent move to help relieve any doubt that the public will have access to hard currency.

H.R. 1094 provides for a technical change in the Federal Reserve Act to facilitate the Federal Reserve's ability to distribute as much as \$50 billion in currency during this period, if needed. Under current law, every unit of currency issued by the Federal Reserve must be collateralized by certain assets held by the Federal Reserve. The assets on the current list have always been adequate to collateralize currency in circulation. However, should there be a surge in currency demand at the end of 1999 and the beginning of the year 2000, the current list could be inadequate.

The list, therefore, needs to be expanded to include other assets which the Federal Reserve already owns but which, largely due to historical oversight, are not now included.

Chairman Greenspan in a letter to me dated July 30, 1998, suggested language comparable to that contained in H.R. 1094. Federal Reserve Governor Edward Kelly in testimony before the Committee on Banking and financial services on April 13 of this year specifically endorsed H.R. 1094.

Mr. Speaker, I fully support H.R. 1094 and wish to express my appreciation to the chairman of our committee for the bipartisan attitude which has been able in all circumstances to approach Y2K problems. I also wish to thank especially the ranking minority member of the financial institutions subcommittee, the gentleman from Minnesota (Mr. VENTO), for his great work on this legislation. This legislation is merely the latest example of that general tremendous bipartisan spirit.

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

Mr. VENTO. Mr. Speaker, I thank the gentleman ranking Banking Member LAFALCE for yielding me time, as well as the gentleman from Iowa (Chairman LEACH) for his comments.

Mr. Speaker, I concur in their statements. I think this is an appropriate bill to forestall any emerging problems with regard to the issuance of Federal Reserve Board paper, the one dollar bills and larger bills that some of us have an opportunity to spend.

Two things have happened. One is, obviously as has been pointed out by the chairman and ranking member, the types of credit paper available have changed and evolved and we have not kept up with them with regard to the provisions of law to be used as collateral to back up the Federal Reserve Board notes the dollar bills.

The other, as pointed out by our staff and research folks, is in fact the Fed,

like most accounts, are subject to sweep accounts. Some of the credit paper that they otherwise have is not deposited there long enough to use, so it cannot be used to offset the dollars placed into circulation. As our good counsel, Mr. Peterson, pointed out in the research papers of the gentleman from New York (Mr. LAFALCE), if in fact we issue treasuries, which the Fed could do, they could buy treasuries at the end of the year and that might cause a spike in the market with the demand for currency expected regarding the Y2K phenomena.

□ 1415

So in order to preserve orderly markets, to respond to Y2K problems and other events that may occur of an unusual nature in the history of monetary policy, it is prudent to, in fact, have these alternative and new instruments to offset and use as collateral.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 1094, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE WITH REGARD TO SHUTTLE MISSION STS-93, COMMANDED BY COLONEL EILEEN COLLINS, FIRST FEMALE SPACE SHUTTLE COMMANDER

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 267) expressing the sense of the House of Representatives with regard to Shuttle Mission STS-93, commanded by Colonel Eileen Collins, the first female space shuttle commander.

The Clerk read as follows:

H. RES. 267

Whereas Shuttle Mission STS-93 successfully deployed the Chandra X-Ray Observatory;

Whereas the Chandra X-Ray Observatory will provide scientists from around the world with a better understanding of the structure and evolution of the universe;

Whereas Shuttle Mission STS-93 is the first mission in the history of the United States space program to be commanded by a woman;

Whereas women continue to be underrepresented in the science, engineering, and technology fields;

Whereas the selection of Colonel Eileen Collins as the first female space shuttle commander has raised the level of awareness and appreciation of women's contributions in the advancement of science; and

Whereas Colonel Eileen Collins' accomplishments in the United States space program have made her a role model for women pursuing an education and career in scientific fields: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the crew of Shuttle Mission STS-93 and honors Colonel Eileen Collins on being the first female commander of a United States space shuttle;

(2) recognizes the important contribution Colonel Eileen Collins has made to the United States space program and to the advancement of women in science; and

(3) invites Colonel Eileen Collins and the crew of STS-93 to the United States Capitol to be honored and recognized by the House of Representatives for their achievements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 267.

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, last Tuesday evening, Space Shuttle Columbia touched down at the Kennedy Space Center in Cape Canaveral, Florida. The crew of Space Shuttle Columbia completed an important mission. A few short hours after launch, shuttle mission STS-93 successfully deployed the Chandra X-ray Observatory. With the launch of Chandra, we begin to explore the universe in new and exciting ways.

Chandra will allow us to examine the hot, turbulent regions in space with images nearly 25 times sharper than previous X-ray pictures. The scientific promises that Chandra holds are far reaching and will have a significant impact on our understanding of how our universe operates.

Yet beyond the scientific accomplishments of the recent shuttle mission, we rise today to celebrate a new turning point in history. STS-93 is the first-ever shuttle mission commanded by a woman, U.S. Air Force Colonel Eileen Collins. Colonel Collins has downplayed her role as the first female space shuttle commander. In her mind, she is just another astronaut, not unlike her male predecessors, who has

worked hard and has been bestowed the great honor of commanding a U.S. space shuttle into space.

In reality, Colonel Collins has emerged as a role model for all young women who aspire to one day follow in her footsteps or to pursue careers in other scientific fields. However, Mr. Speaker, a young girl watching the recent nightly news coverage of Colonel Collins' flight will not be able to command her own space shuttle flight unless she acquires the science and math skills necessary to succeed as an astronaut in the U.S. space program.

Sadly, many young girls, and boys for that matter, are not receiving a quality education even in the most basic math and science courses. The release last year of the Third International Mathematics and Science (TIM) study revealed that American high school seniors, even our Nation's best students in advanced classes, are among the world's least prepared.

We must expect more from our Nation's students with respect to math and science. Curricula for all elementary and secondary years need to be developed in a manner that conveys the excitement of science and math so that students are prepared to follow in the footsteps of Colonel Collins and her crew if they choose to do so.

Mr. Speaker, I would like to thank the gentlewoman from Maryland (Mrs. MORELLA), the chairwoman of the Subcommittee on Technology, and the gentlewoman from Texas (Ms. Eddie Bernice Johnson), the ranking member of the Subcommittee on Basic Research, for introducing H. Res. 267 for our consideration today.

I congratulate Colonel Eileen Collins and the crew of Shuttle Mission STS-93 and urge my colleagues to support H. Res. 267.

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

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

Mr. Speaker, I want to speak in support of the resolution to honor the accomplishments of Colonel Eileen Collins, NASA astronaut.

As my colleagues know, she recently commanded the successful STS-93 shuttle mission. As such she was the first female shuttle commander in the history of the United States Space Program. She completed the mission with distinction, and she and the rest of the crew are to be congratulated.

By all accounts she has handled all of her assignments at NASA and in the Air Force with distinction, and she represents the best in service to our Nation.

In addition, Colonel Collins is a valuable role model for young women. She shows them that the sky is not the limit if they study hard, work hard, and are willing to dream. Colonel Collins shows that determination can lead one to get ahead.

She began her academic career at Corning Community College where she got a degree in mathematics and

science. She went to get her bachelor's degree in mathematics and economics from Syracuse in 1978, a master's of science degree in operations research from Stanford University in 1986, and a master's of arts degree in space systems management from Webster University in 1989.

Colonel Collins had nothing given to her, but Colonel Collins worked hard and made a future for herself in the space program and as a role model for girls all over the country. She is just the person to help inspire more young Americans to seek benefits of a math and science education.

Mr. Speaker, I am pleased that Congress is planning to honor her with this resolution. Unfortunately, however, I believe that it risks being a hollow honor. On the one hand we will vote today to honor Colonel Collins for her accomplishments at NASA. On the other hand later this week, the majority is preparing to bring to the floor an appropriations bill that will cut NASA's budget by a billion dollars compared to fiscal year 1999.

It is a bill that cuts the President's request for human space flight by a quarter of a billion dollars. The request for space science research is also cut by a quarter of a billion dollars. The request for Earth science research is cut by more than a quarter of a billion dollars. And the request for NASA's infrastructure budget for facilities, personnel, and so forth, is cut by almost a quarter of a billion dollars.

I think that the majority is making a grave mistake. NASA has done a great job in streamlining its programs and delivering good value for the taxpayers' investment. We should be supporting NASA's efforts, not slashing its budgets while voting an 800 billion tax cut.

I hope that we can restore the funding for NASA when the VA-HUD bill reaches the floor.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I share the concern of the gentlewoman from California (Ms. LOFGREN) about the activities of the Committee on Appropriations relative to the NASA budget. And it was my hope that at least some of these funds can be added to the Committee on Appropriations mark between now and the time the VA-HUD bill comes to the floor.

Let me state, however, that passage of the VA-HUD bill is necessary even at the lower amount if we are to avoid having a government shutdown of NASA as well as HUD and VA departments at the end of September. That I think is the worst of all possible alternatives.

So we have to work together in a bipartisan basis to attempt to get a VA-HUD bill out of this House and over to the other body for its consideration as we continue working on giving NASA an appropriate appropriation.

I would like to point out to the gentlewoman from California, however, that the mark that came out of the Committee on Appropriations for fiscal year 2000 is \$700 million higher than the outyear budget that was submitted in January of 1996 by the Clinton administration. In other words, the Clinton administration's projections for the NASA budget for fiscal year 2000 was \$700 million lower than the Committee on Appropriations mark which has been so roundly criticized.

So I think that we ought to quit playing games with numbers, I hate to use these numbers to counter the numbers of the gentlewoman from California, and get on to the business of making sure that NASA has the funds to do its job.

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

Mrs. MORELLA. Mr. Speaker, two weeks ago we celebrated the 30th anniversary of a tremendous moment in our history. Who can forget that first message from the surface of another world spoken on the morning of July 20th thirty years ago: "Houston, Tranquility Base here. The Eagle has landed." These words, spoken by Neil Armstrong, marked the beginning of a new age for humanity.

Through hard work and determination born of a national pride and international rivalry, the world saw one of our own safely journey from the Earth to the Moon. Just a short seven hours after that initial transmission from the Lunar Module, Neil Armstrong descended the ladder to the cratered surface. As he ventured away from the vehicle that brought him to that place, he again uttered words which will always be engraved in our national pride: "That's one small step for [a] man, one giant leap for mankind." With that simple statement, the world changed. No harder a challenge has ever been issued, and no greater dream has ever been accomplished.

As a testament of the possibilities that dreams present to us, I rise today to offer a resolution honoring another American hero. After two frustrating, but necessary delays, STS-93 finally launched early in the morning on July 23, and last Tuesday, the Space Shuttle *Columbia* landed safely at the Kennedy Space Center after the successful completion of its mission. On its 26th voyage to earth's orbit, *Columbia* launched the Chandra X-Ray Observatory. This marvel of technology will travel one third of the way to the moon and from that vantage point promises to unlock many secrets of the origins of the universe and the formation of galaxies, stars, and planets.

As promising and exciting as this latest enterprise of exploration is to scientists and students everywhere, there is still a greater significance to this mission.

The Commander of this mission, U.S. Air Force Colonel Eileen Marie Collins was born in 1956, just one year before the space race began with the Soviet launch of Sputnik 1. She grew up in the tense climate of the cold war, fully aware that, as demonstrated by Sputnik, the Soviet Union could launch a missile with enough force to threaten her home. No doubt she shared the apprehension that would spark the Space Race and see the United States play catch-up to the apparent dominance of the world's other Superpower.

She just turned twelve when *Apollo 8* made its 10 historic orbits of the moon on Christmas Day 1968, and I have no doubt she was among the millions who watched Neil Armstrong, Michael Collins, and Buzz Aldrin make their voyage in *Apollo 11* in the summer of 1969.

She dreamed of being a test pilot and an astronaut, but it didn't come easy for her. Though women were early pioneers of flight, in the 1930s fewer opportunities were open to women. It wasn't until the mid-1970s that women became eligible for positions as military aviators, the traditional route to the astronaut program.

Collins was working her way through community college during this time and earned a scholarship to Syracuse. She studied mathematics and economics, going on to later earn a Master of Science degree in operations research from Stanford University and a Master of Arts in space systems management from Webster University. In 1979, the same year Skylab fell out of Earth's orbit, she completed her pilot training for the Air Force.

She became a flight instructor, and in 1983, when Sally Ride became the first American woman in space, she was a C-141 commander and instructor. As a test pilot, she eventually logged over 5,000 hours in 30 different aircraft.

She was selected as an astronaut in 1990 and became the first woman pilot of the Space Shuttle aboard the *Discovery* on STS-63 in February of 1995. Going into this past mission, she had already logged over 419 hours of time in space.

With her latest mission, however, she embarked on an adventure that marks another moment in history. She became the first woman commander of a mission to space.

As Chair of the Subcommittee on Technology, I introduced the legislation that created the Commission on Women and Minorities in Science, Engineering and Technology working to reverse the underrepresentation of these groups in the sciences through better education and encouragement at all levels of learning. Through my work on the Science Committee, I have had the pleasure of meeting Col. Collins. I was impressed by her "down to earth" personality and sense of self in such an historical context. Commenting on the low number of women astronauts, she said, "If you don't have large numbers of women apply, it will be hard to select large numbers of women."

Mr. Speaker, this resolution we debate today seeks not to compare this milestone to the triumph of 30 years ago, but to recognize wider possibilities. This latest mission is a signal to little girls who dream; space is there for them too. And the next time humankind endeavors to take another giant leap, it could well be a woman to make it.

Mrs. FOWLER, Mr. Speaker, I rise today in support of House Resolution 267, honoring Colonel Eileen Collins, our first female shuttle commander, and her crew on Shuttle Mission STS-93.

While each new exploration into space remains a marvel of scientific ingenuity and the creative spirit, this mission is a truly special one. As we mark the 30th Anniversary of the greatest triumph of the American space program—mankind's first footsteps on the moon—we can see how far we have come. This latest shuttle mission deployed the most

sophisticated X-ray observatory ever built and will give us even greater opportunities to observe areas of the universe about which we still know very little, such as the remnants of exploded stars.

Still more special, however, is that this 118 hour and 50 minute mission was the first commanded by a woman. Colonel Collins has four degrees in science and mathematics and spent three years teaching mathematics at the U.S. Air Force Academy, making her something of an anomaly in a society where so few of our young girls go on to science and mathematics course work in their secondary and post-secondary education. While much progress has been made over the past few years, there is still a disparity in the number of girls who go on to take advanced mathematics and science classes in high school and college. Similarly, women are less likely to pursue a science or mathematics degree in college or related career.

This disparity is not caused by lack of achievement, as earlier science and math proficiency gaps between young boys and girls have narrowed and virtually disappeared. According to a recent National Science Foundation study on women's entry into science and engineering fields, one possible reason is the lack of female teacher role models in secondary schools. Colonel Collins may not be a high school teacher, but she is certainly a fine role model for aspiring engineers, astronauts, and mathematicians. In fact, both girls and boys can look up to her as an example of where science and mathematics can take us.

I commend Colonel Collins for her pioneering role in America's space program and her crew for a job well-done.

Mrs. KELLY. Mr. Speaker, I rise today in support of H. Res. 267, to pay tribute to Col. Eileen Marie Collins, as the first female space shuttle commander. I congratulate her for her leadership and thank her for her efforts to improve our space program. Through her dedication she has become one of the most visible role models for girls in aeronautics and science today. Since 1978, when NASA hired its first female astronaut, women have come to earn a place in the space program, peaking with Col. Collins' historic effort as the first female commander in NASA's 95 missions, commanding the space shuttle Columbia. With this mission she has earned a place in history alongside pioneers like, Amelia Earhart and Cosmonaut Valentina Tereshkova, the first woman in space.

I had the good fortune to travel to Cape Canaveral on July 20th for this historic launch. Regrettably, safety precautions grounded the mission that day. However, on July 23, this mission was able to take place. What a proud day that was for Col. Collins, NASA and for the women of our country. She has persevered in a way that most of us can only dream of.

Mr. Speaker, we all can remember the awe that we felt as children as we watched John Glenn, Neil Armstrong and their fellow astronauts, as they brought space discovery home to all of us. Thanks to Col. Collins and her colleagues, our children will also be inspired by brave Americans, who like Col. Collins, have dedicated their lives to the space program and improving our knowledge of the world around us. Once again I would like to congratulate Col. Collins and NASA on their successful mission in which they claimed a place in history and opened a new eye on the universe.

Ms. SLAUGHTER. Mr. Speaker, on July 23, 1999 Col. Eileen Marie Collins, U.S.A.F. took one giant step for all womankind by serving as the first woman in history to command a space shuttle flight. I was privileged to fly to Cape Canaveral, Florida with the First Lady and the U.S. Women's Soccer Team on July 20, 1999 to watch the shuttle's first attempt. Although we were disappointed that the flight was delayed, we all marveled that just a few years ago events such as this one could not have occurred.

Col. Collins was born in upstate New York, not far from my district, at a time when women were excluded from our nation's space exploration program. Col. Collins rarely ever missed an episode of Star Trek or Lost in Space according to her family. Along with her father, Col. Collins would watch the gliders soaring over Elmira hoping one day she too could fly.

Eileen Collins dared to dream and her dreams became our dreams. Her efforts are inspiring young women and girls to tackle and excel at math and the sciences today. Col. Collins is blazing a trail that will undoubtedly be followed by future women astronauts. She has rendered outstanding service to her country and is a true role model to young and old alike. I would like to take this opportunity to commend and congratulate her on a tremendous accomplishment.

Mrs. MINK of Hawaii. Mr. Speaker, I am delighted to join my colleagues in honoring Colonel Eileen M. Collins, the first American woman to command a mission in space. I congratulate Colonel Collins and her crew—Pilot Jeffrey S. Ashby and Mission Specialist Steven A. Hawley, Catherine G. Coleman, and Michel Tognini—on a very successful mission.

On July 23, 1999, Colonel Collins made history when the Space Shuttle Columbia took off under her command with the heaviest payload in shuttle history. The objective of the mission—to deploy the Chandra X-Ray Observatory—was flawlessly accomplished. A veteran of three space flights since becoming an astronaut in 1991, Collins has logged over 537 hours in space. She served as pilot on her two previous shuttle flights in 1995 and 1997—in fact, she was also the first woman pilot of a space shuttle.

The girls of today have some powerful role models to emulate, and Colonel Collins is one of the best. She has consistently excelled in fields dominated by men. Colonel Collins has demonstrated that there are no limits to what women can accomplish if given the opportunity. Her example will inspire more women to pursue careers in science and technology.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Res. 267, the resolution congratulating NASA on its successful Shuttle Mission STS-93, commanded by Colonel Eileen Collins, the first female space shuttle commander.

Col. Eileen Marie Collins, who is originally from Elmira, New York, was selected by NASA in January 1990, and became an astronaut in July 1991. She has an extensive resume at NASA. A veteran of three space flights, Collins has logged over 537 hours in space. She served as pilot on STS-63 (February 2-11, 1995) and STS-84 (May 15-24, 1997), and was the first woman Shuttle commander on STS-93 (July 22-27, 1999).

Women have come a long way since Alan Shepard became the first American man to go into space in 1961.

Women have faced numerous barriers when it comes to advancing in science professions.

I can remember when women were discriminated against in employment. We passed the Civil Rights Act of 1964 and Title VII which prohibits gender discrimination in employment.

I can remember when signs were put up advertising for a job but saying "women need not apply." We passed the Civil Service Act in 1973 eliminating weight and height requirements in federal jobs and the EEOC ruled that employers cannot discriminate against women.

Today, women have been leaping bounds in professional careers. It seems that today there are no limits to the professional success of women.

The selection of Col. Eileen Collins as shuttle commander is not only a product of her own hard work and effort, but a product of the rights which women have established for themselves. Col. Collins' accomplishments in the U.S. space program have made her a role model for women pursuing an education and career in scientific fields.

Women continue to be underrepresented in the science, engineering, and technology fields. The statistics paint a bleak picture:

Women have historically been underrepresented in scientific and engineering occupations, and although progress has been made over the last several decades, there is still room for improvement.

Female and minority students take fewer high-level mathematics and science courses in high school.

Female students earn fewer bachelors, masters, and doctoral degrees in science and engineering.

Among recent bachelors of science and bachelors of engineering graduates, women are less likely to be in the labor force, to be employed full-time, and to be employed in their field than are men.

Among doctoral scientists and engineers, women are far more likely to be employed at 2-year institutions, are far less likely to be employed in research universities, and are much more likely to teach part-time.

Among university full-time faculty, women are less likely to chair departments or hold high-ranked positions.

A substantial salary gap exists between men and women with doctorates in science and engineering.

It is for all of these reasons that Col. Collins' accomplishment is all the more historic. The selection of Col. Eileen Collins as the first female space shuttle commander has raised the level of awareness and appreciation of women's contributions in the advancement of science.

I would like to congratulate the crew of Shuttle Mission STS-93 and honor Col. Eileen Collins on being the first female commander of a United States space shuttle.

In recognition of the important contribution Col. Eileen Collins has made to the U.S. space program and to the advancement of women in science, I would like to invite Col. Collins and the crew of STS-93 to the United States Capitol to be honored and recognized by the House of Representatives for their achievements.

The SPEAKER pro tempore. 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. 267.

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.

FOR THE RELIEF OF GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION, KERR-MCGEE CORPORATION, AND KERR-MCGEE CHEMICAL, LLC

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 606) for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes, as amended.

The Clerk read as follows:

S. 606

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

SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.

(a) PAYMENT OF CLAIMS.—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, \$9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, \$10,000,000; and

(3) to Kerr-McGee Chemical, LLC, a limited liability company organized under the laws of Delaware, \$0.

(b) CONDITION OF PAYMENT.—

(1) GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION.—The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) KERR-MCGEE CORPORATION AND KERR-MCGEE CHEMICAL, LLC.—The payment authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical, LLC, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(c) LIMITATION ON FEES.—Not more than 15 percent of the sums authorized to be paid by subsection (a) shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sums. Any person violating this subsection shall be fined not more than \$1,000.

SEC. 2. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

“(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘destructive device’ has the same meaning as in section 921(a)(4);

“(B) the term ‘explosive’ has the same meaning as in section 844(j); and

“(C) the term ‘weapon of mass destruction’ has the same meaning as in section 2332a(c)(2).

“(2) PROHIBITION.—It shall be unlawful for any person—

“(A) to teach or demonstrate the making or use of an explosive, a destructive device,

or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

“(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.”.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “person who violates any of subsections” and inserting the following: “person who—

“(1) violates any of subsections”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.”; and

(2) in subsection (j), by inserting “and section 842(p)” after “this section”.

SEC. 3. SETTLEMENT OF CLAIMS OF MENOMINEE INDIAN TRIBE OF WISCONSIN.

(a) PAYMENT.—The Secretary of the Treasury shall pay to the Menominee Indian Tribe of Wisconsin, out of any funds in the Treasury of the United States not otherwise appropriated, \$32,052,547 for damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(1) the enactment and implementation of the Act entitled “An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction”, approved June 17, 1954 (68 Stat. 250 et seq., chapter 303); and

(2) the mismanagement by the United States of assets of the Menominee Indian Tribe held in trust by the United States before April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

(b) EFFECT OF PAYMENT.—Payment of the amount referred to in subsection (a) shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in that subsection.

(c) REQUIREMENTS FOR PAYMENT.—The payment to the Menominee Indian Tribe of Wisconsin under subsection (a) shall—

(1) have the status of a judgment of the United States Court of Federal Claims for the purposes of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) be made in accordance with the requirements of that Act on the condition that, of the amounts remaining after payment of attorney fees and litigation expenses—

(A) at least 30 percent shall be distributed on a per capita basis; and

(B) the balance shall be set aside and programmed to serve tribal needs, including funding for—

(i) educational, economic development, and health care programs; and

(ii) such other programs as the circumstances of the Menominee Indian Tribe of Wisconsin may justify.

(d) LIMITATION ON FEES.—Not more than 15 percent of the sums authorized to be paid by subsection (a) shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sums. Any person violating this subsection shall be fined not more than \$1,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, section 1 of this legislation will right a long-standing wrong involving the Federal Government and Global Exploration and Development Corporation and Kerr-McGee Corporation. Global and Kerr-McGee became embroiled in a dispute with the Department of Interior more than 20 years ago when they were improperly denied an opportunity to participate in the environmental assessment process of a potential mining site in the Osceola Forest in Florida.

In January 1991, I introduced legislation for the relief of Global and Kerr-McGee for damages incurred due to wrongful government actions. That bill was successfully referred to the U.S. Court of Federal Claims which ruled that the Government had, in fact, committed a wrongful act. The parties subsequently reached a settlement, the terms of which are embodied in this legislation.

Mr. Speaker, I am hopeful that the passage of this legislation will bring long awaited and long overdue relief for the parties involved. Protecting private rights and rectifying public wrongs are essential if we are truly a government of, for, and by the people.

The second section of S. 606, authored by Senator DIANE FEINSTEIN, would amend the Federal Criminal Code to prohibit any person from teaching or demonstrating the making or use of an explosive, destructive device, or weapon of mass destruction. This conduct would be criminal if accompanied by either the intent that the teaching, demonstrating, or information be used for or in furtherance of an activity that constitutes a Federal crime of violence, or knowing that a person intends to use the teaching, demonstration, or information for such activity.

We live in dangerous times and some believe that in the next century we may witness an unprecedented number

of acts of terror in the United States. We face the very real threat that a weapon of mass destruction will be used against civilians in a major American city in the next 10 or 20 years. We certainly pray that does not happen, but we must do everything in our power to reduce the threat of terrorism on a massive scale.

□ 1430

No one should be allowed to distribute bomb-making information with the intent that it be based and be used to commit a violent crime. This legislation has been carefully crafted to prohibit and punish conduct, not speech, and I am quite confident it will withstand constitutional challenge. Senator FEINSTEIN worked with the Justice Department on the constitutionality, and they support it.

With the Internet, it has become all too easy to disseminate bomb-making information to anyone with a personal computer. While we cannot and should not inhibit constitutionally-protected speech, we can and should do everything in our power to prohibit the dissemination of bomb-making information to commit a violent crime.

Similar or virtually identical provisions were passed on the floor of this House were passed previously and I am confident this will now finally become law if we pass it today.

Now, I turn to section 3 of this bill. S.606 additionally authorizes the U.S. Government to finally make good on a \$32 million court settlement with the Menominee Indian Tribe of Wisconsin. The history of this settlement can be traced back to 1954, when the Federal Government terminated the tribe's Federal trust status and the Bureau of Indian Affairs grossly mismanaged many of the tribe's assets.

In 1967, the tribe filed a lawsuit challenging this determination and seeking damages. After decades of litigation, in 1993 Congress passed a congressional reference directing the U.S. Claims Court to determine what damages, if any, were owed the tribe.

Finally, in August of last year, the tribe and the Federal Government presented a settlement agreement to the Claims Court paying the tribe \$32 million. That settlement was approved by the court. These dollars will only be used to improve education, health care, and economic opportunities for the tribe and the areas surrounding the reservation.

I particularly want to commend the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for their work in this particular area.

In closing, Mr. Speaker, though these three provisions are somewhat related, and as such a good illustration of the more open rules of process employed by the other body, each of the legislative initiatives contained within S.606 are straightforward and relatively non-controversial. I ask for the support of this bill.

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

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

Mr. Speaker, this bill, which passed both the Subcommittee on Immigration and Claims and the full Committee on the Judiciary during the 105th Congress, and passed the full Senate this year, will pay \$10 million and \$9,500,000 respectively to Kerr-McGee Corporation and Global Exploration and Development Corporation based on the recommendation made by the Court of Claims as to the amounts equitably due those companies.

This legislation is intended to resolve litigation between the Federal Government and these corporations. This litigation was based upon the corporations' allegations that the United States improperly failed to grant or approve leases or to allow phosphate mining by Global and Kerr-McGee Corporations in Osceola National Forest.

After a 6-week trial before the Court of Federal Claims, but before the court could issue an opinion, the parties agreed to a joint stipulation of settlement and submitted this stipulation to the court. On November 18, 1996, the court published its recommendation to Congress that the disputes be settled for the amounts set forth in this bill.

The Court's recommendation to Congress was not based upon the finding of any wrongdoing by the United States in its dealings with Global or the Kerr-McGee Corporations. Rather, the court's recommendation was based upon and limited to a finding that an equitable claim against the United States existed and it was in the best interest of all parties to settle this claim for the amounts set forth in the bill.

Mr. Speaker, I urge that my colleagues vote in favor of passing S. 606.

Mr. Speaker, I would note that the section referred to in the bill by my colleague, the chairman of the Subcommittee on Crime, relative to penalties for teaching individuals weapons of mass destruction may or may not prove violative of the first amendment. But clearly a very strong effort has been made to comport with the requirements of the first amendment, and I would urge my colleagues to support the measure. We will certainly find out soon enough whether our efforts to succeed in that regard are successful or not when the measure is challenged in court.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Let me just put a word of procedural caution relative to how this bill is being considered. All three of the provisions of this bill have merit and should be enacted into law on their own. Two of them are private bills in nature, the Kerr-McGee settlement and

the Menominee Indian Tribe settlement, and the other provision is public in nature relative to disseminating on the Internet a do-it-yourself kit on how individuals can make their own weapons of mass destruction. So they all should become law, and I support this legislation today.

However, I am disturbed at the practice of the other body in mixing public and private legislation in the same bill, and I would hope that the consideration of this bill today as a mixture of both public legislation and private legislation will not be viewed as a precedent for future mixings by either this body or the other body.

I would hope that this motion to suspend the rules will be overwhelmingly agreed to so that we can get these three items out of the way and enacted into law, but I would hope we would be a little bit more careful procedurally as we deal with both public and private legislation in the future.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume to simply respond that I think the gentleman from Wisconsin's point is well taken, I concur, and I also agree we should move forward today but we ought to be more vigilant. I appreciate his remarks.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume to conclude.

I think it has been well stated what is in this legislation. It is good legislation. It is three separate provisions that should become law, and I urge its adoption.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 606, as amended.

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

A motion to reconsider was laid on the table.

ARCTIC TUNDRA HABITAT EMERGENCY CONSERVATION ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2454) to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, as amended.

The Clerk read as follows:

H.R. 2454

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 "Arctic Tundra Habitat Emergency Conservation Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds the following:

(1) The winter index population of mid-continent light geese was 800,000 birds in 1969, while the total population of such geese is more than 5,200,000 birds today.

(2) The population of mid-continent light geese is expanding by over 5 percent each year, and in the absence of new wildlife management actions it could grow to more than 6,800,000 breeding light geese in 3 years.

(3) The primary reasons for this unprecedented population growth are—

(A) the expansion of agricultural areas and the resulting abundance of cereal grain crops in the United States;

(B) the establishment of sanctuaries along the United States flyways of migrating light geese; and

(C) a decline in light geese harvest rates.

(4) As a direct result of this population explosion, the Hudson Bay Lowlands Salt-Marsh ecosystem in Canada is being systematically destroyed. This ecosystem contains approximately 135,000 acres of essential habitat for migrating light geese and many other avian species. Biologists have testified that 1/3 of this habitat has been destroyed, 1/3 is on the brink of devastation, and the remaining 1/3 is overgrazed.

(5) The destruction of the Arctic tundra is having a severe negative impact on many avian species that breed or migrate through this habitat, including the following:

(A) Canada Goose.

(B) American Wigeon.

(C) Dowitcher.

(D) Hudsonian Godwit.

(E) Stilt Sandpiper.

(F) Northern Shoveler.

(G) Red-Breasted Merganser.

(H) Oldsquaw.

(I) Parasitic Jaeger.

(J) Whimbrel.

(K) Yellow Rail.

(6) It is essential that the current population of mid-continent light geese be reduced by 50 percent by the year 2005 to ensure that the fragile Arctic tundra is not irreversibly damaged.

(b) **PURPOSES.**—The purposes of this Act are the following:

(1) To reduce the population of mid-continent light geese.

(2) To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend.

SEC. 3. FORCE AND EFFECT OF RULES TO CONTROL OVERABUNDANT MID-CONTINENT LIGHT GEESSE POPULATIONS.

(a) **FORCE AND EFFECT.**—

(1) **IN GENERAL.**—The rules published by the Service on February 16, 1999, relating to use of additional hunting methods to increase the harvest of mid-continent light geese (64 Fed. Reg. 7507-7517) and the establishment of a conservation order for the reduction of mid-continent light goose populations (64 Fed. Reg. 7517-7528), shall have the force and effect of law.

(2) **PUBLIC NOTICE.**—The Secretary, acting through the Director of the Service, shall take such action as is necessary to appropriately notify the public of the force and effect of the rules referred to in paragraph (1).

(b) **APPLICATION.**—Subsection (a) shall apply only during the period that—

(1) begins on the date of the enactment of this Act; and

(2) ends on the latest of—

(A) the effective date of rules issued by the Service after such date of enactment to control overabundant mid-continent light geese populations;

(B) the date of the publication of a final environmental impact statement for such rules

under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(C) May 15, 2001.

(c) **RULE OF CONSTRUCTION.**—This section shall not be construed to limit the authority of the Secretary or the Service to issue rules, under another law, to regulate the taking of mid-continent light geese.

SEC. 4. DEFINITIONS.

In this Act:

(1) **MID-CONTINENT LIGHT GEESSE.**—The term "mid-continent light geese" means Lesser snow geese (*Anser caerulescens caerulescens*) and Ross' geese (*Anser rossii*) that primarily migrate between Canada and the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **SERVICE.**—The term "Service" means the United States Fish and Wildlife Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I am pleased that we are considering H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act. This bipartisan legislation addresses the devastating impact of an exploding population of light geese, more commonly known as snow geese.

Included within the Members' folders is a chronology on the issue. The U.S. Fish and Wildlife Service has been monitoring snow geese populations for over 50 years. During that time the mid-continent population, that is the population that frequents the Mississippi flyway, has increased from 800,000 birds in 1969 to more than 5.2 million geese today. In the absence of new wildlife management actions, there will be more than 6 million breeding light geese in 3 years.

This unprecedented population explosion is creating serious problems. The geese appetite for Arctic coastal tundra has created a strip of desert stretching for 2,000 miles in Canada. These birds are world-class foragers, and their favorite foods are found in the 135,000 acres that comprise the Hudson Bay lowland salt marsh ecosystem. These geese are literally eating themselves out of house and home and, in the process, destroying thousands of acres of irreplaceable nesting habitat. These wetlands are crucial to the survival not only of light geese but to dozens of other species.

On February 16, the U.S. Fish and Wildlife Service issued two final rules to reduce this ever-expanding population of light geese. Sadly, in response to a legal challenge, the U.S. Fish and

Wildlife Service withdrew these two regulations on June 17. While the judge did not rule on the merits of the regulations, the Service was instructed to complete an Environmental Impact Statement. This process will take between 12 and 18 months to complete, and during that time the tundra will continue to be systematically destroyed by an ever-increasing population of light geese.

This is a simple bill. It will reinstate the two regulations already carefully evaluated, approved and then withdrawn by the Fish and Wildlife Service. States would have the flexibility to allow the use of electronic goose calls and unplugged shotguns, and to implement conservation orders to take mid-continent light geese.

H.R. 2454 enacts these regulations in their identical form. In addition, the bill sunsets when the Service has completed both its Environmental Impact Statement and a new rule on mid-continent light geese. In short, this is an interim solution to a very serious and evergrowing environmental problem.

Mr. Speaker, I urge an "aye" vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation with the changes that have been made in terms of making this program available for the next two hunting seasons. I think that puts the kind of limitation on it that we can monitor and will make it a well-run program.

In game bird and wildlife management, some times our best efforts to restore wildlife populations can go awry and produce unintended consequences, and that seems to be the case with mid-continent light geese.

No reasonable field biologist who has examined light geese census data disputes the fact that the population of light geese has shot up dramatically over the past decade to a point now where the birds are virtually eating themselves out of their arctic and subarctic nesting habitats. Our own management actions, including the establishment of protective areas and abundance of cereal grain crops, are partly to blame, but so is the natural wariness and reproductive capacity of this species.

And so, we are left with the unfortunate reality that in one or another—either through increased human harvest or natural mortality—population of light geese will be culled in order to prevent widespread habitat deterioration. It is a regrettable circumstance which offers no simple, painless solutions.

H.R. 2454 would authorize two emergency regulations proposed earlier this year by the Fish and Wildlife Service to increase the harvest of light geese in States within either the Mississippi and Central flyways. These regulations were broadly supported by a wide range of State and private wildlife and conservation organizations, including Ducks Unlimited and the National Audubon Society.

These regulations were withdrawn earlier this year by the Fish and Wildlife Service after

a Federal appeals court ruled that the Service needed to complete a full environmental impact statement (EIS) regarding the proposed emergency actions. I commend the Service for voluntarily withdrawing their proposed regulations and for recognizing the need to develop a full EIS, and urge the Service to complete this EIS at the earliest possible date.

I think it important to note for members that Congress is legislating in this matter solely because all other administrative options available to the Service—under NEPA or any other statute—had been exhausted, and that the only remedy remaining was a legislative fix. This is an important factor driving the need for this legislation.

I do appreciate the helpful modifications made to the bill in the Resources Committee. Even improved, the bill does contain two troubling provisions of which I am still concerned. First, the bill would waive all procedural requirements under the National Environmental Policy Act (NEPA). And second, the bill authorizes the use of otherwise outlawed hunting practices, notably the use of electronic calling devices and un-plugged shotguns.

However, while I personally disagree with the Congress passing legislation to waive NEPA or to authorize the otherwise illegal hunting methods, and while I remain concerned that these regulations may be too broad, I realize that under the constraints of this specific emergency situation, such provisions may be warranted, if not necessary.

Moreover, I am pleased that the Resources Committee amended the bill to include an expiration date of May 15, 2001, or earlier if the Service files its final EIS before that date, to limit the duration of this emergency action.

And while I believe the Fish and Wildlife Service will act in good faith to complete the EIS at the earliest possible date, I also believe that a fixed expiration date is necessary to ensure that a temporary action does not inadvertently become permanent. I look forward to the Service completing its EIS, and I hope that this additional analysis will provide other alternatives to address the overabundance of light geese in a less indiscriminate manner and without requiring Congress to pass legislation.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the legislation being offered today by the gentleman from New Jersey [Mr. SAXTON].

H.R. 2545, the "Arctic Tundra Habitat Emergency Conservation Act," quite simply is trying to head off an unmitigated conservation disaster for white geese, including greater and lesser snow geese and Ross' geese. During the past three decades, these mid-continent snow geese species populations have literally exploded, from an estimated 800,000 in 1969 to more than five million today. This dramatic increase has resulted in the devastation of nearly 50,000 acres of snow geese habitat around Canada's Hudson Bay. This tundra habitat, most of which comprises a coastal salt marsh, is vital for nesting. As the snow geese proliferate and consume this habitat, other populations of birds are also placed at risk by this loss of habitat.

A special report issued in January 1998, by Ducks Unlimited provides a good example of the depth and the breadth of the problem. In studies conducted in Churchill, Manitoba, there were 2,000 nesting pairs in 1968. In 1997, that number grew to more than 40,000 pairs. The result is a cruel fate for the birds,

particularly the thousands of orphaned, malnourished and eventually dead goslings who cannot survive on barren tundra.

Together with expected population increases is another vexing problem: recovery of habitat, destroyed by overfeeding at this far-north latitude, is expected to take at least 15 years; it will take even longer if some of the acreage continues to be foraged by geese during the recovery period.

The U.S. Fish and Wildlife Service has been working for a few years in partnership with the Canadian Wildlife Service, several departments of Fish and Game, Ducks Unlimited, the Audubon Society and other non-governmental entities to try to address the problem. In February of this year, the Fish and Wildlife Service issued two final rules to authorize the use of additional hunting methods to reduce the population of snow geese so that a reasonable population can survive on a viable habitat. The goal was to reduce the number of mid-continent light geese in the first year by 975,000 using additional hunting methods carefully studied and approved by the Fish and Wildlife Service.

Unfortunately, the Service withdrew the rules in the aftermath of a court challenge. The result of inaction, however, would be devastating. Chairman Saxton was correct to press for a legislative solution to expedite the recovery process by implementing the Service's rules, as the bill before us does today. It is clear that human decision making has contributed mightily to the light geese problem through increased agricultural production, sanctuary designation, and reduction in harvest rates.

Mr. Speaker, the bill before us takes an affirmative and humane step to help assure the long-term survival of mid-continent light geese and the conservation of the habitat upon which they and other species depend. I urge my colleagues to support this important bill.

Mr. YOUNG of Alaska. Mr. Speaker, as co-author of H.R. 2454, I rise in strong support of the Arctic Tundra Habitat Emergency Conservation Act. The fundamental goal of this legislation is to stop the destruction of the Canadian Arctic Tundra by a growing population of mid-continent light geese. If we do not act, these valuable wetlands may be lost forever.

Three years ago, the U.S. Fish and Wildlife Service joined with the Canadian Wildlife Service, Ducks Unlimited, the National Audubon Society and several State and Provincial Fish and Game Departments in forming the Arctic Goose Habitat Working Group. After carefully studying the problem, the Group issued a report that recommended that the population of mid-continent light geese, which now numbers more than five million birds, be cut in half within six years.

The working group suggested that the food supply be reduced along U.S. Flyways, baiting of light geese be permitted, sharpshooters be hired to kill large numbers of geese and additional hunting methods such as electronic goose calls and unplugged shotguns be utilized.

The Fish and Wildlife Service carefully reviewed these recommendations and it conducted an exhaustive analysis of the various wildlife management options to reduce the population. It flatly rejected the flawed idea of "letting nature run its course" because it would cause an environmental catastrophe and many of the suggestions of the Working Group were not implemented.

In fact, in the end, the Service issued two modest rules which would have increased the harvest of light geese by allowing hunters to use electronic calls and unplugged shotguns. While these changes by themselves would not save the fragile Arctic ecosystem, they were a responsible step in the right direction.

Once enacted these rules will reduce the population of mid-continent geese and more importantly they will slow the destruction of the Arctic Tundra that is being transformed from thickly vegetated wetlands to a virtual desert.

In La Prouse Bay in Canada, which is a critical nesting site, more than 60 percent of the salt-marsh vegetation has already been destroyed or damaged to the point where it is unable to nourish birds.

Regrettable, in response to a court order, the Fish and Wildlife Service withdrew their regulations and they are now completing an Environmental Impact Statement on mid-continent light geese.

While that occurs, the Arctic Tundra will continue to be destroyed an acre at a time and these essential wetlands which provide life for literally hundreds of avian species, besides geese, will be irreplaceably lost.

There is a better way. H.R. 2454 will reinstate the Fish and Wildlife Service's rules in their identical form. It is a temporary solution and it will sunset no later than May 15, 2001. This legislation is strongly supported by the Administration, the States, and by most of the conservation community including Ducks Unlimited and the National Audubon Society.

In closing, let me quote from the Chairman of the Arctic Goose Habitat Working Group, Dr. Bruce Batt, who testified that "the finite amount of suitable goose breeding habitat is rapidly being consumed and eventually will be lost. Every technical, Administrative, legal and political delay just adds to the problem. There is real urgency here as we may not be far from the point where the only choice is to record the aftermath of the crash of goose numbers with the related ecosystem destruction with all the other species that live there with geese."

I urge an aye vote on H.R. 2454, a bipartisan bill that will save critical Arctic wetlands.

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

Mr. SAXTON. 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 Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2454, 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.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 747) to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.

The Clerk read as follows:

H.R. 747

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 "Arizona Statehood and Enabling Act Amendments of 1999".

SEC. 2. PROTECTION OF TRUST FUNDS OF STATE OF ARIZONA.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) is amended in the first paragraph by adding at the end the following: "The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona."

(b) CONFORMING AMENDMENTS.—

(1) Section 25 of the Act of June 20, 1910 (36 Stat. 573, chapter 310), is amended in the proviso of the second paragraph by striking "the income therefrom only to be used" and inserting "distributions from which shall be made in accordance with the first paragraph of section 28 and shall be used".

(2) Section 27 of the Act of June 20, 1910 (36 Stat. 574, chapter 310), is amended by striking "the interest of which only shall be expended" and inserting "distributions from which shall be made in accordance with the first paragraph of section 28 and shall be expended".

SEC. 3. USE OF MINERS' HOSPITAL ENDOWMENT FUND FOR ARIZONA PIONEERS' HOME.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) is amended in the second paragraph by inserting before the period at the end the following: ", except that amounts in the Miners' Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers' Home".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have taken effect on June 20, 1910.

SEC. 4. CONSENT OF CONGRESS TO AMENDMENTS TO CONSTITUTION OF STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by Senate Concurrent Resolution 1007 of the 43rd Legislature of the State of Arizona, Second Regular Session, 1998, entitled "Senate Concurrent Resolution requesting the Secretary of State to return Senate Concurrent Resolution 1018, Forty-Third Legislature, First Regular Session, to the Legislature and submit the Proposition contained in Sections 3, 4, and 5 of this Resolution of the proposed amendments to Article IX, Section 7, Article X, Section 7, and Article XI, Section 8, Constitution of Arizona, to the voters; relating to investment of State monies", approved by the voters of the State of Arizona on November 3, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I am pleased that we are considering H.R.

747, a bill to amend the Arizona Enabling Act of 1910 to allow the State of Arizona to manage its State trust differently.

The bill was introduced by our colleague, the gentleman from Arizona (Mr. STUMP), who we will hear from in just a moment. The State of Arizona, like many other States, receives revenues generated from lands that were granted to the State upon admission to the Union. These revenues contribute funds to schools and other public institutions.

As currently provided for in the original Enabling Act, the funds must pay all of their own income. This creates a problem because it does not account for or adjust to rates of inflation. Moreover, the current Enabling Act has a number of investment restrictions. While these restrictions may have been appropriate at one time, they are outdated and no longer necessary or advisable.

In order to make the necessary changes to allow the State trust fund to be managed differently, it is necessary for Congress to approve and amend the Arizona Enabling Act.

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This legislation is almost identical to a bill that we passed the last Congress that amended the New Mexico Enabling Act. This is an important piece of legislation that will benefit the State of Arizona. I urge my colleagues to support it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the Act of June 20, 1910, which provided statehood for Arizona, granted federally owned lands to the new State and created a permanent trust fund into which revenues from these lands are invested. However, the act also placed certain limitations on the fund which have worked over time to prevent the State from managing the trust fund as profitably as possible. H.R. 747 will alter the terms of the trust fund and correct the problem.

These changes have been approved by the voters in Arizona, but because they alter the original statehood act, Congress must approve them as well. This measure is almost identical to legislation approved in a previous Congress for the State of New Mexico.

It is noncontroversial, and I urge my colleagues to support the bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. STUMP).

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

Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) for all his hard work on this. The bill has

been explained. Let me just say that it has been approved by the Governor. It is supported by the entire Arizona delegation as well.

The proposition on the ballot that was considered in the State of Arizona makes very minor changes to the 1910 Enabling Act. I urge its support.

I would also like to thank the Arizona delegation, Mr. PASTOR, Mr. KOLBE, Mr. HAYWORTH, Mr. SALMON and Mr. SHADEGG for their support and cosponsorship of H.R. 747, the Arizona Statehood and Enabling Act Amendments of 1999.

Mr. Speaker, H.R. 747 amends the 1910 act of Congress that granted the State of Arizona's entry into the Union. This bill makes two minor changes to the Arizona Enabling Act relating to the administration of state trust funds. This legislation is supported by the Governor of Arizona, our State Treasurer, State Attorney General, State Legislature, and most importantly, the citizens of Arizona through their approval of this change through the ballot process.

On November 3, 1998, Arizona voters passed Proposition 102. This ballot measure amended the Arizona constitution to authorize the investment of Permanent Land Trust Fund monies in equity securities. These trust fund monies derive from the sale of State Trust Lands granted to Arizona by the federal government at statehood. The proposition allows the State of Arizona to capitalize on the higher return rates offered through equity securities. This would improve management in the State and assist in the generation of more revenues for the beneficiaries by gaining authorization to invest part of the fund in stocks and to invest some earnings to offset inflation.

The Arizona Statehood and Enabling Act Amendments legislation will also make a much needed and essential change to the funding of the Arizona Pioneers' Home. This state-operated facility has been dedicated to the long-term care of miners and homesteaders since 1911. Inadequate funds exist in the Miners' Hospital Endowment Fund to build and operate a separate hospital for disabled miners. Disabled miners have been cared for at the Arizona Pioneers' Home, but current law prohibits the commingling of funds associated with state trust lands. H.R. 747 would allow the Arizona Pioneers' Home to expend monies from the Miners' Hospital Endowment Fund to continue care for miners who meet the statutory admission requirements.

Mr. Speaker, H.R. 747 is a bill that is supported by bipartisan interests in the State of Arizona and most importantly, the citizens of Arizona. I ask my colleagues for favorable consideration of this legislation.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 747.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1104) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

The Clerk read as follows:

H.R. 1104

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

SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE, HYDE PARK, NEW YORK.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site, for use by the Archivist for the construction of a visitor center facility to jointly serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF HISTORIC SITE.—The transfer authorized in subsection (a) shall be subject to an agreement between the Secretary and the Archivist that shall include such provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the joint use of the facility to be constructed as the Secretary and the Archivist may consider necessary.

(2) CONSIDERATION.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) TERMINATION.—If use by the Archivist of the land referred to in subsection (a) is terminated by the Archivist at any time, administrative jurisdiction over the land shall automatically revert to the Department of the Interior.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) shall consist of not more than 1 acre of land as may be mutually agreed to by the Secretary and the Archivist and more particularly described in the agreement required under subsection (b)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. Speaker, H.R. 1104 is a non-controversial bill that would authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the

United States for the construction of a visitor center.

The visitor center facility would jointly serve the F.D.R. Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York. The land transferred is authorized to be not more than one acre.

H.R. 1104 is the result of efforts by the gentleman from New York (Mr. SWEENEY) and retired Congressman Jerry Solomon, also from New York.

This bill is supported by the administration.

I urge my colleagues to support the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. H.R. 1104 is a minor house-keeping measure to authorize the National Park Service to transfer jurisdiction over approximately one acre of land to the National Archives to enable construction of a joint visitor center facility at the Franklin D. Roosevelt National Historic Site in Hyde Park, NY.

It is our understanding that the site in question has been mutually agreed upon by the two agencies and that the funds have already been appropriated to construct the joint-use facility.

Mr. Speaker, both the National Park Service and the National Archives and Records Administration testified in favor of this legislation, and we are unaware of any controversy and we support the legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY) the author of the bill.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time and for his support.

I thank the gentleman from California (Mr. MILLER) for his support.

Finally, I would like to thank the gentleman from Utah (Mr. HANSEN), the subcommittee chair, for his support.

I am proud to rise in support of H.R. 1104, the legislation I introduced to transfer administrative jurisdiction from the National Park Service to the National Archives for the construction of a visitor center at the Franklin R. Roosevelt National Historic Site.

The much anticipated visitor center will serve three area National Historic Sites and will be a great addition to the rich history of the Nation's Roosevelt era and that of New York's Hudson Valley.

The 105th Congress provided \$8.2 million to the National Archives for construction of the much-needed new facility on a one-acre parcel within the historic site. However, construction is stalled due to a legal snag; and this legislation corrects that snag.

In short, jurisdiction over this site for the visitor center must be transferred from the National Park Service to the National Archives and Records Administration before we can begin construction on this long-awaited visitor center.

Mr. Speaker, Franklin D. Roosevelt, our Nation's 32nd President, lived at his home in Hyde Park, New York, commonly referred to as "Springwood," for most of his young life.

While Governor of New York and as President, Mr. Roosevelt frequented Springwood often and entertained many dignitaries, including Winston Churchill and King George VI.

Franklin D. Roosevelt was involved in the planning and construction of the Presidential library at the site. The F.D.R. Library is the only Presidential library that was used by a sitting President for official duty.

F.D.R. was intent on preserving his papers and mementos for future generations to cherish and study. Included in his collection are 44,000 books, photographs, Roosevelt's White House desk and chair, and his collection of naval prints, models, and many paintings.

The F.D.R. Library became the site of the broadcast of Mr. Roosevelt's popular fireside chats, and President Roosevelt would regularly hold conferences with world leaders in his personal study.

This legislation enjoys widespread support of the National Park Service, the National Archives and Records Administration, the town of Hyde Park, the Eleanor Roosevelt Site at Val-Kill, the Franklin and Eleanor Roosevelt Institute, Historic Hudson, and the Hudson River Valley Greenway.

All of these organizations and communities have dedicated their time and expertise to ensure that this visitor center becomes a reality, and I thank them all for their support.

I look forward to seeing many Americans and all of those who would travel and venture to Hyde Park, New York, to seeing the visitor center finally become a reality at the Franklin D. Roosevelt Historic Site.

Mr. SAXTON. 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 Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1104.

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.

OLD JICARILLA ADMINISTRATIVE SITE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 695) to direct the Secretary of Agriculture and the Secretary of the Interior to convey an administrative site in

San Juan County, New Mexico, to San Juan College, as amended.

The Clerk read as follows:

H.R. 695

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

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) **CONVEYANCE OF PROPERTY.**—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, the Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) **TERMS, CONDITIONS, AND RESERVATIONS.**—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) **LAND WITHDRAWALS.**—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. Speaker, H.R. 695 would direct the Secretary of Agriculture and the Secretary of the Interior to convey the administrative site in San Juan County, New Mexico, to San Juan College.

H.R. 695 a bill to direct the Secretary of Agriculture and the Secretary of the Interior to convey an administrative site in San Juan County, New Mexico, to San Juan College, was introduced by our colleague the honorable gentleman from New Mexico (Mr. UDALL).

This legislation will require the Secretary to convey a 10-acre parcel known as the "Old Jicarilla Site" to San Juan college. The Forest Service no longer requires its use and has not occupied the site for several years.

The bill will also require the site to be used for educational and recreational purposes. Our good friend the gentleman from New Mexico (Mr. UDALL) has done a great job on this legislation. I urge all my colleagues to support its passage under the suspended rules.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 695 by the gentleman from New Mexico (Mr. UDALL) which would direct the Secretary of the Interior to convey approximately 20 acres of both Forest Service and Bureau of Land Management land, including real property on the land, on the Carson National Forest in San Juan County, New Mexico, to San Juan College in Farmington, New Mexico.

The "Old Jicarilla Site," as it is known, contains a surplus and abandoned ranger station. The college would pay for all lands in accordance with the Recreation and Public Purposes Act and use the site for educational and recreational purposes.

The bill represent a bipartisan effort both in the House and the Senate. I urge my colleagues to support it.

I would like to take the time to congratulate the gentleman from New Mexico (Mr. UDALL) on his sponsorship of this piece of legislation in an effort to get it passed.

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

Mr. SAXTON. 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 Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 695, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2654, H.R. 1104, and H.R. 747, the bills just passed.

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

There was no objection.

CONSTRUCTION INDUSTRY PAYMENT PROTECTION ACT OF 1999

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1219) to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects, as amended.

The Clerk read as follows:

H.R. 1219

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 "Construction Industry Payment Protection Act of 1999".

SEC. 2. AMENDMENTS TO THE MILLER ACT.

(a) **ENHANCEMENT OF PAYMENT BOND PROTECTION.**—Subsection (a)(2) of the first section of the Miller Act (40 U.S.C. 270a(a)(2)) is amended by striking the second, third, and fourth sentences and inserting in lieu thereof the following: "The amount of the payment bond shall be equal to the total amount payable by the terms of the contract unless the contracting officer awarding the contract makes a written determination supported by specific findings that a payment bond in that amount is impractical, in which case the amount of the payment bond shall be set by the contracting officer. In no case shall the amount of the payment bond be less than the amount of the performance bond."

(b) **MODERNIZATION OF DELIVERY OF NOTICE.**—Section 2(a) of the Miller Act (40 U.S.C. 270b(a)) is amended in the last sentence by striking "mailing the same by registered mail, postage prepaid, in an envelope addressed" and inserting "any means which provides written, third-party verification of delivery."

(c) **NONWAIVER OF RIGHTS.**—The second section of the Miller Act (40 U.S.C. 270b) is amended by adding at the end the following new subsection:

"(c) Any waiver of the right to sue on the payment bond required by this Act shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has first furnished labor or material for use in the performance of the contract."

SEC. 3. IMPLEMENTATION THROUGH THE GOVERNMENT-WIDE PROCUREMENT REGULATIONS.

(a) **PROPOSED REGULATIONS.**—Proposed revisions to the Government-wide Federal Acquisition Regulation to implement the amendments made by this Act shall be published not later than 120 days after the date of the enactment of this Act and provide not less than 60 days for public comment.

(b) **FINAL REGULATIONS.**—Final regulations shall be published not less than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

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

I include for the RECORD at this point a letter from the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), agreeing to the discharge of the Committee on the Judiciary from further consideration of H.R. 1219.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 18, 1999.

Hon. DAN BURTON,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BURTON: I understand that the Government Reform Committee desires to take H.R. 1219, the "Construction Industry Payment Protection Act," to the floor without this committee reporting the bill. The bill contains certain matters within the Rule X jurisdiction of the Judiciary Committee which were the basis of the bill's referral to us. Such matters include amendments to the Miller Act made by section 3 and procedural rules for promulgating revisions to the Federal Acquisition Regulation established by section 4.

In the interest of moving this non-controversial bill forward expeditiously, I will agree to the Judiciary Committee being discharged from further consideration of H.R. 1219. However, this should not be construed as a relinquishment of the Committee's Rule X jurisdiction as to the matters addressed by the bill or any further amendments relating to it.

Please place a copy of this letter in the record of debate on the bill.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, H.R. 1219, the Construction Industry Payment Protection Act of 1999, is a bill introduced by my colleague, the gentlewoman from New York (Mrs. MALONEY). It would modernize the 1935 Miller Act.

Under the Miller Act, contractors performing work on a Federal public works project costing in excess of \$100,000 are required to furnish a payment bond. The payment bond is intended to protect subcontractors and suppliers and materials against the risk of nonpayment when working on Federal construction projects.

The Act also requires a performance bond to guarantee completion of the project.

In addition, the Miller Act requires the contractor to provide a performance bond that guarantees completion of the project.

The 1935 Act caps the total amount of the payment bond at \$2.5 million. Although that amount might have been appropriate for public works projects in 1935, in many cases today it no longer provides subcontractors with adequate protection.

Today, more than half of all Federal construction projects exceed \$2.5 million. H.R. 1219 seeks to correct this problem by requiring general contractors to obtain payment bonds of an amount equivalent to the total value of the contract.

As noted, H.R. 1219 would require general contractors to obtain payment bonds of an amount equal to the total contract price unless the contracting officer makes a written determination that a payment bond in that amount is impractical. However, under no circumstances can the amount of the payment bond be less than the amount of the performance bond.

The bill also would expand the methods by which the subcontractors could

use to notify the prime contractor of their intent to seek payment from the payment bond. It permits notice by any delivery service that provides written third-party verification of delivery, including the United States Postal Service or a private express delivery service.

Moreover, the bill would require that any waiver of the Miller Act protections by a beneficiary of those protections must be in writing and may be made only after a subcontractor or supplier has furnished labor or materials for use in the performance of the contract.

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The bill also requires that the Office of Management and Budget issue final regulations implementing these provisions not less than 180 days after enactment of this legislation.

H.R. 1219 represents a bipartisan effort to update the 1935 Miller Act. This bill contains proposals to amend the Miller Act that address some of the concerns of a variety of trade associations representing essentially every segment of the construction and surety industries. Our thanks go to the Democrats and Republicans who have worked together long and hard to bring this important bipartisan measure to the floor.

I was pleased to be a cosponsor of the gentlewoman from New York's bill, the prime author, and the gentleman from Virginia (Mr. DAVIS) was also one of the key people in assuring that these different parties came together. The time has come to modernize the Miller Act. I urge my colleagues to support this measure.

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

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

Mr. Speaker, this bill was introduced by the gentlewoman from New York (Mrs. MALONEY) as a means of addressing some very serious concerns surrounding the bond requirements established in the Miller Act of 1935. I want to commend the gentlewoman from New York for her leadership in this legislation, specifically her work in bringing all the parties together that have an interest in this bill, working with them, ensuring that all of the concerns that were laid on the table by all of the parties were addressed. She did an outstanding job in working in a very bipartisan way on this bill.

Specifically, subcontractors who perform construction projects for the Federal Government have raised questions about the adequacy of the payment bond requirement. The gentlewoman from New York as a member of the Committee on Government Reform, former ranking member of the Subcommittee on Government Management, Information, and Technology, has been persistent in trying to correct the deficiencies of the current law.

H.R. 1219 would remedy these problems and ensure that the payment bond

is great enough to protect all of the subcontractors. At the same time the legislation will modernize and strengthen the Miller Act and will provide a means of improving a relationship of the subcontractors that has been long needed.

This bill was reported by the Committee on Government Reform on May 19 by voice vote. The measure has also been referred to the Committee on the Judiciary which has discharged the bill. I would like to thank particularly the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) for their help in crafting this bill.

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

Mr. HORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS). He has done an outstanding job in bringing many of the parties together on this particular bill and we deeply appreciate his work on it.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time and I particularly thank the author of this bill the gentlewoman from New York who has worked, I think, over and beyond the usual call of duty in trying to bring consensus to something very technical but I think something very meaningful to government contractors and subcontractors and sureties.

I rise today in support of H.R. 1219, the Construction Industry Payments Act of 1999.

This is legislation we have been involved with since the 105th Congress when the gentlewoman from New York began working with the affected industry groups to find consensus on updating the original Miller Act of 1935. I am happy to say that this bipartisan cooperation resulted in a strong bill that industry, Congress and the Federal Government can all support. It is fiscally responsible and it offers reasonable protections to all parties involved in this type of Federal procurement.

H.R. 1219 amends the 1935 Miller Act which has stood the test of time very well. It has needed relatively little legislative attention or congressional oversight since its passage. Currently, the Miller Act requires a contractor awarded a Federal contract in excess of \$100,000 to furnish the government with a performance bond and a payment bond. These bonds protect the government and certain persons providing labor and material for performance of that work. H.R. 1219 prepares the Miller Act for the 21st century. It should achieve its objectives without unreasonably increasing the financial exposure or placing additional burdens on the prime contractor or the surety bond producers and corporate sureties that provide Miller Act bond payments. It modernizes the act in three areas: The legislation raises the payment bond to the value of the contract award, allows receipt of notice through any method that provides written third

party verification of receipt, and it prevents any waiver of the Miller Act rights prior to the commencement of the work. These three key updates of the 1935 legislation enhance the procedures and protections of the Miller Act for the government and those with rights under the act as we continue to update our procurement procedures the next century.

I am particularly impressed with H.R. 1219 and the reasonable updates of the Miller Act that allow it to be particularly effective in protecting all parties in the contracting process. Not only does it preserve the authority of the United States courts to adjudicate issues under the Miller Act but it preserves the freedom of the contractor and the subcontractor to choose within their own contract the particular dispute resolution process that will govern their dispute. This is an effective reform that focuses on everyone's goal, providing the best product to the Federal Government in a timely manner. Additionally, H.R. 1219 maintains a subcontract provision that allows for requiring arbitration or another alternative dispute resolution process. A protected person's Miller Act rights would be preserved by a timely suit in the District Court that can be stayed pending the subcontract dispute resolution process.

Simply put, this legislation modernizes the procedures and protections of the Miller Act, preserves the exclusive jurisdiction of the U.S. District Court to resolve issues arising under the Miller Act, and respects the freedom of the contractor and subcontractor to choose their own dispute resolution process, thereby bolstering the Federal Government's strong policy in favor of alternative dispute resolution.

Finally, I want to again thank the gentlewoman from New York for her willingness to sit down and negotiate on this legislation what appeared to be differences too great to overcome in the waning days of the 105th Congress. Instead this has resulted in a strong, updated Miller Act early on in this Congress. I believe the extensive negotiations between the gentlewoman from New York, myself and others distilled the key elements of the Miller Act to address and improve future situations in Federal contracting. H.R. 1219 is legislation that both enhances and preserves the 1935 legislation. This could not have occurred without a willingness to build consensus or work together. I would also like to thank the many industry organizations that agreed to sit down and come up with reasonable compromises that helped us develop the strong bill before us today. In particular, I want to thank the Associated Builders and Contractors of America, the Surety Association of America, the American Insurance Association, and other organizations that I will insert in the RECORD.

I urge the passage of this bill. I would also like to thank Amy Heerink and Melissa Wojciak from my staff.

ADDITIONAL INDUSTRY GROUPS WHO ASSISTED
IN DRAFTING THE MILLER ACT, H.R. 1219,
THE CONSTRUCTION INDUSTRY PAYMENT ACT

Air Conditioning Contractors Association
American Insurance Association
American Subcontractors Association
Mechanical Contractors Association of
America
National Association of Plumbing-Heating-
Cooling Contractors
National Association of Surety Bond Pro-
ducers
National Electrical Contractors Association
Painting and Decorating Contractors of
America
Sheet Metal & Air Conditioning Contractors
National Association
Surety Association of America
American Fire Sprinkler Association
Architectural Woodwork Institute
Association of the Wall & Ceiling Industries-
International
Automatic Fire Alarm Association
Independent Electrical Contractors
Mason Contractors Association of America
National Association of Credit Management
National Ground Water Association
National Insulation Association
World Floor Covering Association

Mr. TURNER. Mr. Speaker, it is an honor for me to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY). I too would like to thank the gentlewoman for the leadership she has provided on this bill. She has spent more time working on this than any other Member of this House. She is the sponsor of this bill.

Mrs. MALONEY of New York. Mr. Speaker, I thank the ranking member for yielding me this time and I thank him for his leadership and support.

The best legislation is bipartisan and this has truly been a bipartisan effort over the past 3 years. I particularly congratulate the gentleman from California (Mr. HORN) with whom I have worked in a constructive way on many pieces of legislation before this body and the gentleman from Pennsylvania (Mr. GEKAS) who likewise led on this effort and the gentleman from Virginia (Mr. DAVIS) who led actually a task force over the last summer between the different bodies that came forward with a consensus and compromise bill. And finally the stakeholders, all of the industries involved, over 25 industries came together and signed their own contract in support of the legislation and their pledge to work to pass it. So it has indeed been a combined effort which will ultimately not only help the employers and the employees but the American taxpayer, because the cost of the jobs will go down because those bidding on them will know that the risk of not being paid will now be covered and that risk will not be built into their bid. So it has been a day where everyone benefits in our country and I am very proud to have been part of the team that made this happen.

This is truly a historic day for the construction industry and their workers. Today we are passing bipartisan legislation that will restore full payment protection for construction firms and their employees who do business with the Federal Government. Thanks to this bill, subcontractors who work

on Federal projects will actually be paid and will not have to worry about being paid for their work. H.R. 1219 will modernize the 65-year-old Miller Act which was passed in 1935 to provide payment protection for construction subcontractors and suppliers. Under the Miller Act, prime contractors on Federal projects are required to purchase two types of surety bonds, one, the performance bond which assures the government that the work will in fact be completed, and a second, the payment bond that provides payment protection for subcontractors and suppliers. The payment bond is critical, because it is the payment protection of last resort in the event of a default on the part of the prime contractor. Yet under the Miller Act's depression era requirements, prime contractors are not required to obtain a payment bond equal to the full value of the contract. In fact, for contracts of \$5 million or more, the payment bond need not be worth more than \$2.5 million regardless of the size of the project. Since 1935, Federal construction projects have changed dramatically in size and dollar value. The protections afforded by the Miller Act may have been adequate in 1935, but they are simply not sufficient for today. In fact, if the value of \$2.5 million were simply adjusted for inflation, it would now be at least \$30 million. With Federal construction projects costing hundreds of millions of dollars, \$2.5 million is simply not enough to provide payment protection for subcontractors, particularly those working in the later stages of complex, multi-year construction projects.

Earlier this year, President Clinton announced that the Federal Government, along with Senator MOYNIHAN, would be taking the lead in renovating the Farley Building in my home city of New York as part of the Penn Station mass transit redevelopment project. It is estimated that this project will cost almost \$400 million. Now, under the Miller Act, the general contractor would only be required to furnish a payment bond worth \$2.5 million, clearly not enough to provide protection for subcontractors and suppliers and their workers on a \$400 million project. But thanks to this legislation that we are about to pass today, the subcontractors working on the Farley Building will actually be paid and will enjoy full payment protection.

I learned firsthand about the problems of the Miller Act when I was contacted by one of my constituents, Fred Levinson, in 1997. Fred owns a subcontracting firm in my district. Fred Levinson was hired to work on a project for the Federal Bureau of Prisons for over \$100 million. But when the prime contractor on the building was terminated, Mr. Levinson was left without any way to collect the money he was owed for the work that he performed. As a result, he lost \$9.5 million simply because the Miller Act did not provide for full payment protection. Mr. Levinson was fortunate enough to

be able to save his company, but this payment problem still forced him to lay off employees and scale back his business. Other subcontractors on big Federal projects are simply not so lucky and risk bankruptcy when the prime contractor defaults.

Thanks to this bill, no subcontractor in the future, including those working on the Farley Building or any Federal building, will have to suffer from inadequate payment bond protection as did my constituent Fred Levinson. This is also, I might add, a case study in democracy, an example of how one person can come to a legislator, point out a problem, and work with them to solve it and to make a difference. I would like to dedicate my work on this bill to Fred Levinson, who brought it to my attention.

Mr. Speaker, as someone who has long been interested in Federal procurement policy, I can speak firsthand to the importance of full and timely payment to all segments of the construction industry. In particular, small firms face enormous risks when they are not paid for work they complete. Many firms across the country have risked bankruptcy simply because they were not paid on time or in full by a project owner. Cases in which the Federal Government is the owner of the project are certainly no exception.

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This bill will make three important changes to the Miller act.

First, it will require that prime contractors working on Federal projects furnish a payment bond of a value equal to the value of the contract they have been awarded. This provision will ensure full payment protection for subcontractors who choose to work on Federal projects. They will no longer be a \$2.5 million limit.

Second, this bill will modernize the provisions of the Miller act which deal with notification of an intent to make a claim on a payment bond. Current law permits notification only by certified mail. Under this bill, notification will be permitted by any means that permits written third-party notification of delivery. In this era of overnight mail and electronic commerce, it simply makes no sense to permit notification only through registered mail.

Finally, this bill includes a provision that prohibits any waiver of the right to sue under a payment bond unless that waiver is signed by the person whose right is waived after they have commenced work on the project. This will ensure that no subcontractor waives his or her right to sue before beginning work on a project. This provision is critical to protecting the rights of subcontractors throughout the bidding process and beyond.

I always believe that the best legislation is bipartisan, and that is certainly true in this case. This legislation enjoys broad support from Members across the political spectrum. This bill grew out of a hearing that was held

jointly by my friend from California (Mr. HORN) and my friend from Pennsylvania (Mr. GEKAS).

At that hearing we heard from several witnesses who spoke on the need to modernize the act, including my constituent Fred Levinson and one of Chairman GEKAS' constituents, Micki Weaver. Mrs. Weaver, who owns a small specialty firm told of how the inadequacies of the Miller act led her to avoid bidding altogether on future Federal projects.

Both the gentleman from California (Mr. HORN) and the gentleman from Pennsylvania (Mr. GEKAS) agreed that the Miller act needed to be modernized and joined me as an original sponsor. I am very grateful for their hard work as well as that of their staffs and my own, staff which have helped to get us to where we are today. In addition, the gentleman from Indiana (Mr. BURTON) and the gentleman from Illinois (Mr. HYDE) both were instrumental in moving this bill through the legislative process, as were the ranking members, the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. CONYERS).

My friend from Virginia (Mr. DAVIS) took the lead in getting everyone involved in this issue to agree to sit down at the table and negotiate so that we could reach the agreement on the legislation we have before us today. In addition, many other Members of this House, including the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Texas (Mr. SESSIONS), the gentleman from Texas (Mr. SMITH), and the gentleman from Pennsylvania (Mr. KANJORSKI) have supported and worked on this legislation from the beginning and were very instrumental in moving it to the floor today.

Equally important, Mr. Speaker, is the hard work that many of the industry groups have done. I am pleased that every industry group with an interest in modernizing the Miller act supports this bipartisan legislation. This bill enjoys the backing of at least 25 industry organizations, all of which have had a vested interest in the payment bond protection afforded by the act.

In particular, I would like to thank the American Subcontractors Association which has spearheaded the broad-based coalition to modernize the Miller act for their hard work on this bill as well as that of the Associated General Contractors of America and the Surety Association of America, both of which played a critical role in the negotiations which led to this bill.

Mrs. MALONEY of New York. Mr. Speaker, finally I am very pleased to announce that the administration has recently said that it, too, supports the bill. This bill will bring about a common sense reform that will make a tremendous difference for construction subcontractors and their workers who do business with the Federal Government. It will not cost the taxpayers anything, and in fact it might lower the cost of Federal projects.

Mr. Speaker, I urge all Members to support this important bipartisan bill.

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

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

I just want to, in conclusion, note that the gentleman from Texas (Mr. TURNER), the ranking minority member on the subcommittee, has been very helpful on this; and I mentioned earlier, I will mention again, the gentleman from Pennsylvania (Mr. GEKAS) is a very distinguished legislator from Pennsylvania and a key person on the Committee on the Judiciary, and the gentleman from Illinois (Mr. HYDE) gave the waiver of this bill to the floor, and we are extremely grateful for that bipartisan, bi-committee cooperation.

But in closing, I want to say to the gentlewoman from New York (Mrs. MALONEY) who put it right on the nose, this is a case study in democracy. Everyone that is listening or hearing or reading the RECORD is going to see this is an example of a constituent walking through their Representative's door and say, Look, I've had a problem here. Can you do anything about it? A lot of us have had that experience, and the fact is people do not need to go through lobbyists; they do not need to go through people that are at PAC parties or anything else. They can just walk into their legislator, and if they got a good case, something will happen. The gentlewoman from New York (Mrs. MALONEY) showed something that happened, and all of us cooperated to do it because we knew this was just and we needed to update that law, and I would hope that we have a unanimous vote of the House.

I want to thank my own majority staff, George, the chief counsel and staff director, Randy. The counsel and professional staff member have worked with the staff of the gentlewoman from New York (Mrs. MALONEY) and the staff of the gentleman from Pennsylvania (Mr. GEKAS), and we thank them all for their help. I urge adoption of this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 1219, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HORN. 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. 1219, as amended.

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

There was no objection.

GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1999

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1442) to amend the Federal Property and Administrative Services Act of 1949 to continue and extend authority for transfers to State and local governments of certain property for law enforcement, public safety, and emergency response purposes, as amended.

The Clerk read as follows:

H.R. 1442

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 “Government Waste, Fraud, and Error Reduction Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definition.
- Sec. 4. Application of Act.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

- Sec. 101. Improving financial management.
- Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

- Sec. 201. Miscellaneous corrections to subchapter II of chapter 37 of title 31, United States Code.
- Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
- Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

- Sec. 301. Authority to sell nontax debts.
- Sec. 302. Requirement to sell certain nontax debts.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

- Sec. 401. Annual report on high value nontax debts.
- Sec. 402. Review by Inspectors General.
- Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value nontax debt.

TITLE V—FEDERAL PAYMENTS

- Sec. 501. Transfer of responsibility to Secretary of the Treasury with respect to prompt payment.
- Sec. 502. Promoting electronic payments.
- Sec. 503. Debt services account.

TITLE VI—FEDERAL PROPERTY

- Sec. 601. Amendment to Federal Property and Administrative Services Act of 1949.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

- (1) To reduce waste, fraud, and error in Federal benefit programs.
- (2) To focus Federal agency management attention on high-risk programs.
- (3) To better collect debts owed to the United States.
- (4) To improve Federal payment systems.
- (5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act, the term “nontax debt” means any debt (within the meaning of that term as used in chapter 37 of title 31, United States Code) other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

SEC. 4. APPLICATION OF ACT.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

- (1) involves the administration of the internal revenue laws; or
- (2) conflicts with the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Code of 1986, or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

Section 3515 of title 31, United States Code, is amended—

- (1) in subsection (a)—
 - (A) by striking “1997” and inserting “2000”; and
 - (B) by inserting “Congress and” after “submit to”; and
- (2) by striking subsections (e), (f), (g), and (h).

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: “The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.”

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 2000.

(c) PAYMENT OF STATE AND LOCAL TAXES ON TRAVEL EXPENSES.—

(1) IN GENERAL.—The Administrator of General Services shall develop a mechanism to ensure that employees of executive agencies are not inappropriately charged State and local taxes on travel expenses, including transportation, lodging, automobile rental, and other miscellaneous travel expenses.

(2) REPORT.—Not later than March 31, 2000, the Administrator shall, after consultation with the heads of executive agencies, submit to Congress a report describing the steps taken, and proposed to be taken, to carry out this subsection.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

“(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.”

(b) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(c) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking “delinquent loans” and inserting “debts”.

(d) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is amended by adding at the end the following:

“(11) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor’s current employer, the location of the payroll office of the debtor’s current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

“(12) In evaluating the performance of a contractor under any contract entered into under this subsection, the Secretary of the Treasury shall consider the contractor’s gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

“(13) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that considers the bidder’s prior performance in terms of net amounts collected under Government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.”

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is amended by adding at the end the following:

“(h) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor’s current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

“(i) In evaluating the performance of a contractor under any contract for the performance of debt collection services entered into by an executive, judicial, or legislative agency, the head of the agency shall consider the contractor’s gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

“(j) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that considers the bidder’s prior performance in terms of net amounts collected

under government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria."

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions of title 11, United States Code, or section 6103 of the Internal Revenue Code of 1986.

(e) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee."

(f) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(g) INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104-134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(h) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or, if appropriate, any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or Federal license required by law.

"(b) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer or, in the case of any Federal performance-based organization, the chief operating officer of the agency.

"(3) The chief financial officer or chief operating officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer or deputy chief operating officer of the agency. Such deputy chief financial officer or deputy chief operating officer may not redelegate such authority.

"(d) As used in this section, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits."

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent nontax debts by referring delinquent nontax debts to private collection contractors promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a nontax debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930."

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a nontax debt or terminate collection action on a nontax debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The head of an executive, judicial, or legislative agency may waive the application of clause (i) to any nontax debt, or class of nontax debts if the head of the agency determines that the waiver is in the best interest of the United States.

"(iii) As used in this subparagraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930."

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL NONTAX DEBTS.

(a) PURPOSE.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of nontax debt sales in order to—

(1) minimize the loan and nontax debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent nontax debts held by the agency;

(4) obtain the maximum value for loan and nontax debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93-344).

(b) SALES AUTHORIZED.—(1) Section 3711 of title 31, United States Code, is amended by inserting after subsection (h) the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

"(2) Costs the agency incurs in selling nontax debt pursuant to this subsection may be deducted from the proceeds received from the sale. Such costs include—

"(A) the costs of any contract for identification, billing, or collection services;

"(B) the costs of contractors assisting in the sale of nontax debt;

"(C) the fees of appraisers, auctioneers, and realty brokers;

"(D) the costs of advertising and surveying; and

"(E) other reasonable costs incurred by the agency, as determined by the Director of the Office of Management and Budget.

"(3) Sales of nontax debt under this subsection—

"(A) shall be for—

"(i) cash; or

"(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

"(B) shall be without recourse against the United States; and

“(C) shall transfer to the purchaser all rights of the United States to demand payment of the nontax debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii), but shall not transfer to the purchaser any rights or defenses uniquely available to the United States.

“(3) This subsection is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, nontax debts, or other assets.”.

SEC. 302. REQUIREMENT TO SELL CERTAIN NONTAX DEBTS.

Section 3711 of title 31, United States Code, is amended further by adding at the end the following new subsection:

“(j)(1)(A) The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

“(i) the date on which the nontax debt becomes 24 months delinquent; or

“(ii) 24 months after referral of the nontax debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

“(B) The head of an executive, judicial, or legislative agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, may exempt from sale delinquent debt or debts under this subsection if the head of the agency determines that the sale is not in the best financial interest of the United States.

“(2) The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Sales under this subsection shall be conducted under the authority in section 301.

“(3) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Sales under this paragraph shall be conducted under the authority of subsection (i).

“(4)(A) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any nontax debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

“(B) The head of an executive, judicial, or legislative agency may exempt from sale under this subsection any class of nontax debts or loans if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.”.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of

each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the debtor defaulted.

(c) DEFINITIONS.—In this title:

(1) AGENCY.—The term “agency” has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term “high value nontax debt” means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds \$1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

The Inspector General of each agency shall review the applicable annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency’s nontax debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. TRANSFER OF RESPONSIBILITY TO SECRETARY OF THE TREASURY WITH RESPECT TO PROMPT PAYMENT.

(a) DEFINITION.—Section 3901(a)(3) of title 31, United States Code, is amended by striking “Director of the Office of Management and Budget” and inserting “Secretary of the Treasury”.

(b) INTEREST.—Section 3902(c)(3)(D) of title 31, United States Code, is amended by striking “Director of the Office of Management and Budget” and inserting “Secretary of the Treasury”.

(c) REGULATIONS.—Section 3903(a) of title 31, United States Code, is amended by striking “Director of the Office of Management and Budget” and inserting “Secretary of the Treasury”.

SEC. 502. PROMOTING ELECTRONIC PAYMENTS.

(a) EARLY RELEASE OF ELECTRONIC PAYMENTS.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

“(1) provide that the required payment date is—

“(A) the date payment is due under the contract for the item of property or service provided; or

“(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;”;

(2) by striking “and” after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “; and”, and by adding at the end the following:

“(10) provide that the Secretary of the Treasury may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.”.

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a nontax debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

SEC. 503. DEBT SERVICES ACCOUNT.

(a) TRANSFER OF FUNDS TO DEBT SERVICES ACCOUNT.—The Secretary of the Treasury may transfer balances in accounts established before the date of the enactment of this Act pursuant to section of 3711(g)(7) of title 31, United States Code, to the Debt Services Account established under subsection (b). All amounts transferred to the Debt Services Account under this section shall remain available until expended.

(b) ESTABLISHMENT OF DEBT SERVICES ACCOUNT.—Subsection (g)(7) of section 3711 of title 31, United States Code, is amended by striking the second sentence and inserting the following: “Any fee charged pursuant to this subsection shall be deposited into an account established in the Treasury to be known as the ‘Debt Services Account’ (hereinafter referred to in this section as the ‘Account’).”

(c) REIMBURSEMENT OF FUNDS.—Section 3711(g) of title 31, United States Code, is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively; and

(3) by amending paragraph (9) (as redesignated by paragraph (2)) to read as follows:

“(9) To carry out the purposes of this subsection, including services provided under sections 3716 and 3720A, the Secretary of the Treasury may—

“(A) prescribe such rules, regulations, and procedures as the Secretary considers necessary;

“(B) transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet liabilities and obligations incurred prior to the receipt of fees that result from debt collection; and

“(C) reimburse any funds from which funds were transferred under subparagraph (B) from fees collected pursuant to sections 3711, 3716, and 3720A. Any reimbursement under this subparagraph shall occur during the period of availability of the funds transferred under subparagraph (B) and shall be available to the same extent and for the same purposes as the funds originally transferred.”.

(d) DEPOSIT OF TAX REFUND OFFSET FEES.—The last sentence of section 3720A(d) of title 31, United States Code, is amended to read as follows: “Amounts paid to the Secretary of the Treasury as fees under this section shall

be deposited into the Debt Services Account of the Department of the Treasury described in section 3711(g)(7) and shall be collected and accounted for in accordance with the provisions of that section."

TITLE VI—FEDERAL PROPERTY

SEC. 601. AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.

Section 203(p)(1)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)) is amended—

- (1) by striking clause (ii);
- (2) by striking "(i)";
- (3) by striking "(I)" and inserting "(i)"; and
- (4) by striking "(II)" and inserting "(ii)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

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

H.R. 1442 the Law Enforcement and Public Enhancement Act of 1999 is a bill introduced by my colleague from California (Mr. CALVERT). The amendment I am offering aims to accomplish two goals. First, it would improve the efficiency and economy of Federal debt collection practices, Federal credit management and Federal travel practices.

Second, the bill would also eliminate a December 31, 1999, sunset date for a provision in the Federal Property and Administrative Services Act that authorizes the transfer of surplus Federal real property at no cost to the State and local governments for law enforcement and emergency response purposes.

In a moment I will yield to the gentleman from California (Mr. CALVERT) to explain the portion of the bill that would amend the Federal Property and Administrative Services Act of 1949. First, however, let me say that the bill before us contains a number of provisions that are designed to improve Federal debt collection, credit management and travel management. As the Subcommittee on Government Management, Information and Technology learned at its June 15, 1999, hearing on Federal debt collection, at the end of fiscal year 1998 the Federal Government was owed more than \$60 billion in delinquent, non-tax debt such as student loans and housing loans.

More than \$49 billion of this \$60 billion in delinquent non-tax debts was delinquent for more than 180 days. To facilitate collection of this enormous amount of non-tax debt, Congress passed and the President signed into law the Debt Collection Improvement Act of 1996. This bipartisan legislation in which the gentlewoman from New York (Mrs. MALONEY) was the ranking member and joined me in authoring this legislation, this bipartisan legislation established significant new debt collection authorities and enhanced existing ones.

H.R. 1442, as amended, builds upon the Debt Collection Improvement Act

by providing the Federal Government with additional authorities to improve its collection of delinquent non-tax debts. The bill would prohibit Federal agencies from writing off delinquent non-tax debts prior to initiating collection procedures. The bill authorizes the offset or withholding of Social Security benefits to recipients who owe past-due child support to a State.

Currently, Social Security benefits can be intercepted to offset a recipient's debt to the Federal Government. This bill would assist States in their efforts to collect the billions of dollars in unpaid child support, billions of dollars in unpaid child support. According to the Congressional Budget Office, this added offset authority would recover \$17 million each year in past-due child support. To help eliminate waste, fraud, and error in Federal benefit and credit programs, H.R. 1442, as amended, would authorize Federal agencies to bar delinquent debtors from obtaining a Federal permit, license or from receiving financial assistance in the form of a loan or loan guarantee until the debt is repaid.

The bill also focuses attention on large debts. It would require agencies to report annually to Congress on their high value delinquent debts of \$1 million or more. H.R. 1442, as amended, promotes the sale of new and delinquent loans by Federal agencies. Loan sale programs would benefit the Federal Government in a number of ways. Loans that are sold in a competitive market could yield substantial proceeds, reduce administrative costs, and allow agencies to focus their limited resources on other programs. An agency with guidance from the Office of Management and Budget could exempt any class of debt from the sale provisions of this bill if it were determined that the sale would interfere with agencies, programs or mission.

For example, certain performing loans requiring specialized services provided by the Federal departments and agencies could be exempt from the sales provision of this bill by the agency head in consultation with the director of the Office of Management and Budget provided that the sale would interfere with the mission of an agency and be not in the financial interests of the United States.

The bill, as amended, also includes provisions to improve Federal employee travel management. The administrator of General Services would be required to develop a mechanism to ensure that employees of executive branch agencies are not charged State and local taxes on travel expenses relating to official business. H.R. 1442 also includes a provision that would remove a December 31, 1999, sunset provision in the Federal Property and Administrative Services Act of 1949. It would make permanent the authority for State and local governments to acquire surplus Federal property for law enforcement and emergency response purposes.

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

□ 1530

Mr. CALVERT. Mr. Speaker, I rise to support passage of this bill. H.R. 1442 will amend the Federal Property and Administrative Services Act of 1949 to extend authority for transfers to State and local governments of certain property for law enforcement and emergency response purposes.

I introduced H.R. 1442, the Law Enforcement Public Safety Enhancement Act of 1999, to permanently extend the pilot program that has become an important tool for local law enforcement and public safety officials. Without the help, leadership and support of the gentleman from California (Mr. HORN), my good friend from Long Beach, California, chairman of the Subcommittee on Government Management, Information and Technology, this legislation would never have come to the House floor. I owe a debt of gratitude to him for helping to find the offsets necessary for this bill to conform to budgetary constraints.

I would also like to thank the chairman of the Committee on Government Reform as well as the ranking members of the full committee and subcommittee for their efforts.

As we all know, one of the keys to crime prevention is a well-trained local police force and public safety officials. My bill will strengthen law enforcement and emergency management training, while saving these organizations thousands, sometimes millions, of dollars.

When the Federal Government declares real property as a surplus, various local entities may apply for the property on a no-cost basis if they use the property for some valid social purpose. To obtain the excess Federal property, the local entity must apply to a Federal agency to sponsor the no-cost transfer. My bill would permanently extend this 2-year-old authority to allow local agencies the ability to apply for surplus property at no cost for the purpose of law enforcement and emergency response training.

Due to the efforts of the Riverside, California, Sheriff's Department to create a comprehensive multijurisdictional training center, the need for this legislation became clear. In 1997, Congress passed legislation to create a 2-year pilot program to allow the Department of Justice and the Federal Emergency Management Agency to sponsor local law enforcement and emergency management response entities for a no cost transfer. The results of this 2-year program are startling. Twenty-one separate local agencies in 11 States applied for this program. Their applications are in various stages of the process. Without this legislation, these projects will be stopped in their tracks.

I would like to encourage all of my colleagues to support this pro-law enforcement legislation and give back to

the men and women that battle on our streets every day.

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

Mr. Speaker, the Federal Property Act currently allows surplus Federal property to be transferred to state and local governments at a discount off the fair market value. Public benefit discounts are available under current law for public health or educational uses, public parks or recreational areas, historic monuments, correctional institutions, port facilities, public airports and wildlife conservation.

In 1997, this Congress overwhelmingly passed a bill that made Federal surplus property available to State and local authorities for law enforcement and emergency response purposes for a 2-year trial period. With the sunset date fast approaching in December of this year, H.R. 1442, which was introduced through the good work of the gentleman from California (Mr. CALVERT), we will extend that worthwhile provision and make it permanent.

Mr. Speaker, this bill would allow the Department of Justice and FEMA to sponsor the use of excess Federal property for law enforcement and fire fighting and rescue training purposes. I expect this bill will move quickly through the legislative process and become law. Only last week the Senate successfully included a similar provision in the Commerce-Justice-State appropriations bill for fiscal year 2000.

There are currently at least 22 jurisdictions around the country who have submitted applications to acquire surplus Federal property for these purposes, and at least three of them have successfully acquired their property. We must not deny the remaining 19 the opportunity to complete their application process and to secure the property that they need to make their communities safer.

Law enforcement and fire rescue services provide vital services for State and local governments, and it is critical that we allow them to acquire this Federal surplus property at a discount.

This legislation benefits police officers, fire fighters, and other emergency response officials across the country, and I commend the gentleman from California (Mr. CALVERT) for his hard work on this particular provision.

In addition, H.R. 1442, as amended, is designed to address problems with Federal debt collection and Federal credit management. In 1996 Congress passed the Debt Collection Improvement Act, which was designed to centralize management of Federal debt collection at the Department of Treasury and to enhance cooperation of Federal agencies in the collection of delinquent debt.

Within the past 2 years, the Federal Government centralized debt collection activities at the Financial Management Service have begun to work more efficiently. In fact, collections have grown from \$1.7 million in fiscal year

1997 to \$2.5 billion in fiscal year 1999, after the Debt Collection Improvement Act enhanced the Treasury's offset authority.

Clearly there has been improvement in the government collection efforts. There are, however, many challenges that remain. According to the Department of Treasury, the Federal Government is owed approximately \$50 billion in delinquent, non-taxed debt. Of this amount, \$47 billion has been delinquent for more than 180 days. In addition, the Federal Government writes off about \$10 billion in delinquent debts every year.

H.R. 1442 focuses management attention on high-risk programs and builds upon prior initiatives to improve Federal debt collection practices by providing Federal agencies with the additional tools they need to improve Federal debt collection. It is almost identical to H.R. 4857, a bill that passed the House of Representatives with overwhelming bipartisan support under suspension of the rules in the 105th Congress. We passed these provisions by a vote of 419 to 1 earlier this year.

I would like to commend the gentleman from California (Chairman HORN), who has done an outstanding job in leading to improve the Federal debt collection practices through his diligent legislative oversight activities. The gentleman has worked to assure that the taxpayers get every dollar they are entitled to and no more.

I also want to mention and commend the leadership of the gentlewoman from New York (Mrs. MALONEY), who has continued her partnership with the gentleman from California (Chairman HORN) since the time she served in the position of ranking member of this subcommittee.

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

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

Mr. Speaker, I just want to thank the gentleman from Texas (Mr. TURNER), the ranking member. He had an excellent series of questions this morning of the Commissioner of Internal Revenue and the General Accounting Officer. The gentleman is deeply committed to an effective and efficient government, and especially to getting at the non-tax debt.

Mr. Speaker, I urge my colleagues to support this legislation. H.R. 1442, as amended, contains provisions designed to improve the efficiency and effectiveness of Federal debt collection and credit management. It would also assist State and local governments in their efforts to acquire much needed surplus property for law enforcement and emergency response. This legislation has broad bipartisan support, as was evident on the floor. The provisions are the result of a bipartisan effort between majority and minority on the Committee on Government Reform,

working closely with the administration.

Mr. CRAMER. Mr. Speaker, I rise today in support of H.R. 1442, the Law Enforcement and Public Safety Enhancement Act of 1999. I am a co-sponsor of this legislation which makes permanent the General Services Administration authority to transfer federal surplus lands at no cost to state and local governments for the purpose of law enforcement and emergency response services.

H.R. 1442 will have a direct and immediate impact on my Congressional District as well as a number of other districts throughout the country. Currently, thirteen sites across the nation, one of which is in my District, are utilizing a temporary authorization allowing the Department of Justice (DOJ) to transfer excess federal property to local government entities for law enforcement and public safety purposes.

This temporary authority, which expires December 31, 1999, allows local law enforcement, fire services, and emergency management agencies the opportunity to receive federal surplus property through a "no-cost" transfer. This legislation aims to make permanent this temporary authority.

In my Congressional District, the Fifth District of Alabama, the City of Huntsville has applied for the transfer of a Naval Reserve Center to the City for use as a public safety training facility for our police officers, firefighters, and rescue personnel. This facility will allow Huntsville to provide excellent training to the men and women who safeguard our citizens. Currently, Huntsville's application is under review. Many projects that are currently underway or those pending applications for land transfers—like the one in my district—will be severely impacted by the quickly approaching sunset date of December 31, 1999. This legislation will permanently allow the Department of Justice (DOJ) and the Federal Emergency Management Agency (FEMA) to sponsor the use of excess federal property for law enforcement, public safety, and emergency management purposes.

I would like to once again express my strong support for this legislation. We in Congress can and should do everything in our power to assist law enforcement officers, firefighters, and emergency management personnel in their efforts to improve public safety on our streets, in our schools, and in our neighborhoods.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 1442, 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: "To reduce waste, fraud, and error in Government programs by making improvements with respect to

Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes.”

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HORN. 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. 1442, as amended.

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

There was no objection.

SILK ROAD STRATEGY ACT OF 1999

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1152) to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia, as amended.

The Clerk read as follows:

H.R. 1152

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 “Silk Road Strategy Act of 1999”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political, economic, and security ties among countries of the South Caucasus and Central Asia and the West will foster stability in this region, which is vulnerable to political and economic pressures from the south, north, and east.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) Many of the countries of the South Caucasus have secular Muslim governments that are seeking closer alliance with the United States and that have active and cordial diplomatic relations with Israel.

(6) The region of the South Caucasus and Central Asia could produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence as well as democracy building, free market policies, human rights, and regional economic integration of the countries of the South Caucasus and Central Asia.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States in the countries of the South Caucasus and Central Asia—

(1) to promote and strengthen independence, sovereignty, democratic government, and respect for human rights;

(2) to promote tolerance, pluralism, and understanding and counter racism and anti-Semitism;

(3) to assist actively in the resolution of regional conflicts and to facilitate the removal of impediments to cross-border commerce;

(4) to promote friendly relations and economic cooperation;

(5) to help promote market-oriented principles and practices;

(6) to assist in the development of the infrastructure necessary for communications, transportation, education, health, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(7) to support United States business interests and investments in the region.

SEC. 4. UNITED STATES EFFORTS TO RESOLVE CONFLICTS IN THE SOUTH CAUCASUS AND CENTRAL ASIA.

It is the sense of the Congress that the President should use all diplomatic means practicable, including the engagement of senior United States Government officials, to press for an equitable, fair, and permanent resolution to the conflicts in the South Caucasus and Central Asia.

SEC. 5. AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.

Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

“CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

“SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

“(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

“(1) the creation of the basis for reconciliation between belligerents in the countries of the South Caucasus and Central Asia;

“(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

“(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

“(b) AUTHORIZATION FOR ASSISTANCE.—

“(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

“(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term ‘humanitarian assistance’ means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

“(1) providing for the humanitarian needs of victims of the conflicts;

“(2) facilitating the return of refugees and internally displaced persons to their homes; and

“(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

“(d) POLICY.—It is the sense of the Congress that the United States should, where appropriate, support the establishment of neutral, multinational peacekeeping forces to implement peace agreements reached between belligerents in the countries of the South Caucasus and Central Asia.

“SEC. 499A. ECONOMIC ASSISTANCE.

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, among the countries of the South Caucasus and Central Asia.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

“(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

“(d) POLICY.—It is the sense of the Congress that the United States should—

“(1) assist the countries of the South Caucasus and Central Asia to develop policies, laws, and regulations that would facilitate the ability of those countries to develop free market economies and to join the World Trade Organization to enjoy all the benefits of membership; and

“(2) consider the establishment of zero-to-zero tariffs between the United States and the countries of the South Caucasus and Central Asia.

“SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

“(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

“(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

“(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

“(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

“(1) Activities by the Export-Import Bank of the United States to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

“(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

“(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade, including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

“(d) POLICY.—It is the sense of the Congress that the United States representatives at the International Bank for Reconstruction and Development, the International Finance Corporation, and the European Bank

for Reconstruction and Development should encourage lending to the countries of the South Caucasus and Central Asia to assist the development of the physical infrastructure necessary for regional economic cooperation.

“SEC. 499C. BORDER CONTROL ASSISTANCE.

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes aiding the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

“(d) POLICY.—It is the sense of the Congress that the United States should encourage and assist the development of regional military cooperation among the countries of the South Caucasus and Central Asia through programs such as the Central Asian Battalion and the Partnership for Peace of the North Atlantic Treaty Organization.

“SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights, in the countries of the South Caucasus and Central Asia.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

“(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

“(2) Assistance for the development of non-governmental organizations.

“(3) Assistance for development of independent media.

“(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

“(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

“(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

“(d) POLICY.—It is the sense of the Congress that the Voice of America and RFE/RL, Incorporated, should maintain high quality broadcasting for the maximum duration possible in the native languages of the countries of the South Caucasus and Central Asia.

“SEC. 499E. INELIGIBILITY FOR ASSISTANCE.

“(a) IN GENERAL.—

“(1) BASES FOR EXCLUSION.—Subject to paragraph (2), and except as provided in sub-

section (b), assistance may not be provided under this chapter for the government of a country of the South Caucasus or Central Asia if the President determines and certifies to the appropriate congressional committees that the government of such country—

“(A) is engaged in a consistent pattern of gross violations of internationally recognized human rights;

“(B) has, on or after the date of enactment of this chapter, knowingly transferred to, or knowingly allowed to be transferred through the territory of such country to, another country—

“(i) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime (as defined in section 11B(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(c)); or

“(ii) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including any nuclear, chemical, or biological weapon) if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapons;

“(C) has repeatedly provided support for acts of international terrorism;

“(D) is prohibited from receiving such assistance by chapter 10 of the Arms Export Control Act or section 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5604(a)(1), 5605); or

“(E) has not made significant progress toward resolving trade disputes registered with and raised by the United States embassy in such country.

“(2) CERTIFICATIONS PRIOR TO ELIGIBILITY.—Assistance may not be provided under this chapter to a country unless the President certifies to the appropriate congressional committees that elections held in that country are free and fair and are free of substantial criticism by the Organization for Security and Cooperation in Europe and other appropriate international organizations.”

“(b) EXCEPTIONS TO INELIGIBILITY.—

“(1) EXCEPTIONS.—Assistance prohibited by subsection (a) or any similar provision of law, other than assistance prohibited by the provisions referred to in subparagraphs (B) and (D) of subsection (a)(1), may be furnished under any of the following circumstances:

“(A) The President determines that furnishing such assistance is important to the national interest of the United States.

“(B) The President determines that furnishing such assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance.

“(C) The assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster.

“(D) The assistance is provided under the secondary school exchange program administered by the United States Information Agency.

“(2) REPORT TO CONGRESS.—The President shall immediately report to Congress any determination under paragraph (1) (A) or (B) or any decision to provide assistance under paragraph (1)(C).

“SEC. 499F. ADMINISTRATIVE AUTHORITIES.

“(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

“(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part

II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

“(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

“(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

“SEC. 499G. DEFINITIONS.

“In this chapter:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

“(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term ‘countries of the South Caucasus and Central Asia’ means Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.”

SEC. 6. ANNUAL REPORT.

Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding the following new paragraph:

“(5) with respect to the countries of the South Caucasus and Central Asia—

“(A) identifying the progress of United States foreign policy to accomplish the policy identified in section 3 of the Silk Road Strategy Act of 1999;

“(B) evaluating the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has been able to accomplish the purposes identified in that chapter; and

“(C) recommending any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.”

SEC. 7. UNITED STATES-ISRAEL ECONOMIC DEVELOPMENT COOPERATION IN THE SOUTH CAUCASUS AND CENTRAL ASIA.

It is the sense of the Congress that the United States should continue to provide assistance to the Centre for International Cooperation (MASHAV) of the Ministry of Foreign Affairs of Israel under the Cooperative Development Program/Central Asian Republics (CDP/CAR) program of the United States Agency for International Development, for economic development activities in agriculture, health, and other relevant sectors, that are consistent with the priorities of the Agency for International Development in the countries of the South Caucasus and Central Asia.

SEC. 8. CONFORMING AMENDMENTS.

Section 102(a) of the FREEDOM Support Act (Public Law 102-511) is amended in paragraphs (2) and (4) by striking each place it appears “this Act” and inserting “this Act and the Silk Road Strategy Act of 1999”.

SEC. 9. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term “countries of the South Caucasus and Central Asia” means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Pennsylvania (Mr. HOEFFEL) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. 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. 1152, as amended.

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

There was no objection.

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

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

Mr. BEREUTER. Mr. Speaker, as the Vice Chairman of the Committee on International Relations and the original sponsor of H.R. 1152, this Member rises in strong support of the Silk Road Strategy Act of 1999. In introducing this important legislation, this Member was joined by the distinguished ranking Democrat on the Subcommittee on Asia and the Pacific, the gentleman from California (Mr. LANTOS), the distinguished gentleman from New York (Mr. ACKERMAN), the distinguished gentleman from California (Mr. BERMAN) and many other colleagues in the House who were interested in and concerned about improving U.S. relations with the countries in this vital region of the world.

Mr. Speaker, with the disintegration of the Soviet Union in 1991, Russia became the focus of U.S. attention and heir to the vast Soviet arsenal. Russia also retained the Soviet permanent seat on the UN Security Council and membership now, of course, in the G-8.

A peaceful post-Soviet era largely depended on Washington's ability to get along with Moscow. It is not surprising then that U.S. attention, including the Freedom Support Act, was directed principally at Moscow.

We should remember, however, that 15 countries emerged or reemerged from the collapse of the Soviet Union. A few, the Baltics and Ukraine, garnered special attention in the Freedom Support Act, or in the SEED Act, which addressed Eastern Europe. But the Caucasus and Central Asia region received scant attention.

The area includes some 75 million people in the Nations of Georgia, Armenia, Azerbaijan, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan and Tajikistan.

Mr. Speaker, two points are clear as we look at the situation in these eight countries. First, there is much at stake for our national security. The Caucasus

and the Central Asian states are strategically located at the geographic nexus of Russia, China, Iran, Afghanistan and Turkey. At least six are secular Islamic states that largely have rejected the expansion of Islamic fundamentalism. They are a front-line force in U.S. efforts to contain the spread of terrorism, the proliferation of sensitive weapons and technologies and drug trafficking. Rich in natural resources, these nations are a proven storehouse of energy with vast crude oil and natural gas reserves.

Second, given the region's clear importance, it is time for the United States to become more energetically and effectively engaged in the region, for this area is at an historic crossroads, poised between merging into or retreating from the free world order. It is undergoing an uncertain and turbulent economic, political and cultural transformation.

H.R. 1152 seeks to invigorate and provide direction to U.S. policy in the Caucasus region and the Central Asian Republics.

First, it outlines what our foreign policy and foreign aid priorities should be.

Second, it delineates potential rewards for continued cooperation with the United States, as well as actions that would result in the termination of U.S. assistance.

Third, it does not authorize new money. Instead, it redirects funding already provided to the countries of the former Soviet Union.

Fourth, it does not address the difficult question of section 907 of the Foreign Assistance Act, the prohibition of assistance to Azerbaijan. Frankly, where the votes are on this issue is well-known, and elements of this legislation are too important to subordinate to a Section 907 debate.

The states of this region are looking to the outside for political and economic support, to Russia and Iran and Turkey potentially, to China and Pakistan, and even to Afghanistan, as well as to the United States. They are actively looking to the United States for leadership and guidance on a range of international issues and to long-standing U.S. friends in the area, such as Israel and Turkey, for closer relations.

At this crucial juncture in their evolution, the support the U.S. does provide can tip the scales of these countries' orientation towards or against the West. We have a unique opportunity to influence events there now by adopting a broad-based and proactive policy of engagement designed to keep conquerors away from the region, to foster cooperation among the states, and to unleash and channel the engines of growth, economic, social and democratic growth.

We cannot build toward these goals without the creation and use of effective tools. This body has been at the forefront in encouraging the formation of coherent policies for assisting the Caucasus region and Central Asian re-

publics and, indeed, moved the Freedom Support Act for just this purpose.

□ 1545

This body can and must continue legislative initiatives in this area. This Member's proposed legislation, H.R. 1152, the Silk Road Strategy Act of 1999, is an essential tool in building toward U.S. goals in the region. Broadly, this bill targets U.S. assistance to support the economic and political independence and cross-border cooperation of the Caucasus and Central Asian states. This puts the U.S. squarely behind efforts to, first, build democracy and cross-border cooperation as well as resolve regional conflicts; second, to build market-oriented economies and legal systems as well as the infrastructure to facilitate strong East-West commerce and other relations; and, third, to promote U.S. business interests and investments in the region.

Sustained, affordable engagement that matches U.S. ambitions with resources is indispensable to the Caspian region's evolution in a manner compatible with the Free World order and interests. H.R. 1152 is an essential tool in helping to ensure that the region's political and economic options are clear and expansive, and that the far-reaching changes under way in the nations there will turn out to be desirable ones.

Mr. Speaker, this Member urges his colleagues to vote in favor of H.R. 1152, the Silk Road Strategy Act of 1999.

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

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

Mr. Speaker, I rise in strong support of H.R. 1152, the Silk Road Strategy Act. I would like to start by commending the distinguished gentleman from Nebraska (Mr. BEREUTER) for his leadership on this bill. He is the prime sponsor. He is the distinguished chair of the Subcommittee on Asia and the Pacific, and has provided great leadership on this.

Mr. Speaker, I also commend as well a bipartisan group of cosponsors from the committee, including the gentleman from California (Mr. LANTOS), the gentleman from California (Mr. BERMAN), the gentleman from New York (Mr. ACKERMAN), and the gentleman from New York (Mr. KING).

Mr. Speaker, the five countries of Central Asia and the three countries of the South Caucasus are an important part of the newly independent States. This bill recognizes the unique interests that the United States has in these countries.

We have a strategic interest in seeing that the region does not become a hotbed of armed conflict, terrorism and drug trafficking, and we have some reason to worry. Many of these countries have difficult neighbors, including Iran, Afghanistan, and China.

The region is also rife with not only the seeds of ethnic and political conflict, but as we have seen in Nagorno-Karabagh, with actual conflicts that

have claimed tens of thousands of lives and have created hundreds of thousands of refugees.

We have legitimate and important economic interests in Central Asia and the Caucasus. All eight of these countries have a lot to offer in terms of natural and human resources. There is great potential for trade and investment and a positive exchange of people and ideas.

We have a great political interest in Central Asia and the South Caucasus. These countries are still emerging from Soviet rule, and it is in our interest to help them in the difficult transition away from their communist past.

Unfortunately, many of the governments of the region have a long way to go regarding democratization. It is our desire to engage these countries economically and to pursue our strategic interests, but we must not neglect the democratization that must occur there. We need to keep democratic values and human rights at the top of the agenda in the bilateral meetings with leaders of all eight of these countries and need to reach out further to those within these countries that are working to develop a civil society, including independent media, the people in the non-governmental sector and in private business.

It is imperative that we make sure that democratization becomes and remains a priority of ours in this region.

Mr. Speaker, I also welcome the inclusive nature of the bill. We recognize the fact that these countries are inter-related, there is economic integration that is needed in this region, and that includes all of the countries of this region. We will not see a full potential for this region without the full participation of all eight countries.

It is our hope that these countries understand the incentive of cooperation and make a renewed effort to solve the conflicts that have stood in the way of a greater integration.

Similarly, because we are endorsing integration within the region, this should not be seen as an endorsement of excluding others outside of the region. To tap the resources of South Asia and the Caucasus to settle these conflicts, we will need to work with others outside of the immediate region such as Russia, Ukraine and Turkey, in order to have the fullest possible success.

Mr. Speaker, I would like to note the administration is already pursuing many of these policy issues called for in this bill. It is also providing the kind of assistance authorized by this bill.

I must also note that the administration has expressed strong reservations about two amendments attached during the committee markup. The administration is concerned that these provisions which condition assistance on certification of free and fair elections and the resolution of business disputes may actually hinder progress on achieving those goals which are goals

that we all share. If these issues are not resolved during the conference, it may jeopardize administration support for the final version of this bill.

Mr. Speaker, it is my view and our view that this bill is helpful; that it focuses attention on the region, makes a call for a renewed push on solving regional conflicts promoting regional integration and democratization. I urge all of the Members of the House to support this bill, H.R. 1152.

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

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

Mr. Speaker, I first want to thank the distinguished gentleman from Pennsylvania (Mr. HOEFFEL), a first-term member of the Committee on International Relations, who is making a major contribution there, for his kind remarks and for his support. I recall well how the gentleman came up to me after the markup and pointed out something that we mutually agreed was a problem, and we have a way outlined to resolve it and I think to meet the administration's satisfaction. It was one of those things that we recognized, but at the moment we could not do anything about. Mr. Speaker, I want to thank the gentleman for his perceptiveness in that respect.

Mr. Speaker, at this point I submit for the RECORD a statement in support of the legislation from the gentleman from New York (Mr. GILMAN), the chairman of the committee.

Mr. Speaker, the gentleman indicates, for example, that he believes this legislation will serve as a signal to the peoples of those countries of America's desire to ensure that their future will be one of democracy, prosperity, peace and security.

Mr. GILMAN. Mr. Speaker, I rise in support of the bill before us today, H.R. 1152, the "Silk Road Strategy Act of 1999," sponsored by my colleagues from Nebraska, Congressman BEREUTER.

The Subcommittee on the International Relations Committee chaired by Congressman BEREUTER—the Subcommittee on Asia and the Pacific—has jurisdiction over the countries of Central Asia, but the countries of the Caucasus region—also covered by this bill—deserve to be a specific focus of our policy and assistance in the region of the former Soviet Union as well.

This bill, which relates to all eight countries of Central Asia and the Caucasus, attempts to ensure the implementation of that specific focus.

While it creates a new Chapter 12 of the Foreign Assistance Act to provide that focus, however, it cites, with regard to those countries, the on-going authority of Chapter 11 of that Act—known as the "FREEDOM Support Act of 1992."

I think that it is very important, given the key work done by the office of the State Department Coordinator of Assistance created by the 1992 "FREEDOM Support Act."

Nothing in this measure should or will endanger that important coordinating function for all of the New Independent States of the former Soviet Union.

The bill simply ensures that an added, specific focus on the states of Central Asia and the Caucasus.

Mr. Speaker, I support passage of this measure, which should serve as a signal of America's interest in the future of the eight newly independent states in the regions of Central Asia and the Caucasus.

It should serve as well as a signal to the peoples of those countries of America's desire to ensure that their future will be one of democracy, prosperity, peace and security.

Mr. Speaker, I urge my colleagues to join in supporting the passage of this measure.

Mr. BEREUTER. Mr. Speaker, I yield to the distinguished gentleman from California (Mr. RADANOVICH) for the purposes of a colloquy. And I would say as we begin this that the gentleman has been very much interested and concerned about this legislation and supportive overall and came to the committee hearings and participated in those hearings. Mr. Speaker, this distinguished gentleman from California is a new member of the committee.

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for his leadership in bringing this bill to the floor. I share the gentleman's vision in promoting greater regional cooperation, supporting increased economic integration, and facilitating the free flow of transportation and communication among the States of the Caucasus and Central Asia.

While I support these goals, I along with many of my colleagues, remain concerned that this legislation may, at a subsequent step in the legislative process, become a vehicle for the weakening or the repeal of Section 907 of the Freedom Support Act.

Mr. Speaker, it is my understanding that this bill is being brought forth today with the clear understanding that Section 907 of the Freedom Support Act will remain in place and unchanged throughout the remaining legislative process.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, I will be happy to respond to the gentleman's statement. I am pleased that the gentleman has joined the Committee on International Relations this year, and as my colleague knows, this Member, the author of the legislation, has made it a point to ensure that the Silk Road Strategy Act intentionally did not include any change in Section 907. Neither the Senate version of the Silk Road legislation which was advanced after amendment, repeals or otherwise revises Section 907. So there would be no basis in a conference, with the approval of this legislation we pass in the House today, for Section 907 to be repealed or altered. Therefore, I think the gentleman's concerns are fully addressed.

Neither the House, by the passage of this legislation, or the Senate legislation, after the amendment deleting the provision of the senior Senator of the State of Kansas, contains anything referencing Section 907.

Mr. RADANOVICH. Mr. Speaker, if the gentleman would continue to yield,

I thank him for his continued support on this matter. With this assurance, my colleagues and I will feel much more confident in supporting this bill.

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

Mr. PORTER. Mr. Speaker, I rise in support of this legislation and commend the gentleman from Nebraska for his strategy with this bill and attention to current events in Caucuses region. Since 1923, Armenia and Azerbaijan have been in conflict over Nagorno-Karabagh. In the beginning of this year, Armenia and Nagorno-Karabagh accepted a compromise peace proposal developed by the Organization for Security and Cooperation in Europe (OSCE). Azerbaijan rejected it outright. This reaction by Azerbaijan was extremely disappointing to those involved in the peace process. However, at the NATO summit in Washington in April and in recent weeks, the Presidents of Armenia and Azerbaijan have been discussing other strategies for peace. This is very promising, and I hold out hope for a permanent peace in this area.

The most important role that the United States can play at this point is to continue to encourage all parties towards a lasting peace. This includes the continued enforcement of Section 907 of the Freedom Support Act. This provision keeps needed pressure on Azerbaijan to come to the negotiating table and works toward a permanent peace settlement. All Azerbaijan must do to have Section 907 lifted is to "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabagh." Any attempt to repeal or waive Section 907 legitimizes Azerbaijan's blockade and rewards its rejection of the current OSCE compromise plan. Further, such a waiver would seriously jeopardize any chance for peace in the near future.

While I share a commitment to greater regional cooperation and economic integration in the Caucasus and Central Asia, I am very concerned that this legislation could become a vehicle for the weakening or repeal of Section 907. I would strongly oppose such action and urge the House to retain its position omitting any reference to Section 907 in conference and avoid a contentious debate that could undermine the good and important objectives of this legislation.

Mr. LANTOS. Mr. Speaker, I join my colleagues in urging the adoption of H.R. 1152, the Silk Road Strategy Act of 1999. I want to pay tribute to my distinguished colleague from Nebraska (Mr. BEREUTER) for his leadership in introducing this legislation. I am pleased to be an original cosponsor of this legislation.

The Silk Road Strategy Act deals with a number of newly-emerging countries, which only recently became independent nations—the Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan and the Southern Caucasus republics of Armenia, Azerbaijan, and Georgia.

Mr. Speaker, this legislation calls for the United States to give greater attention to the important countries of Central Asia and the Caucasus. We have significant national concerns in this region related to our national security and our international economic interests. These countries were part of the former Soviet Union, and we have a great interest in fostering democracy, an open market economy, and respect for human rights there. Many of these countries are resource-rich, and we like-

wise have a strong interest in assuring that oil, gas, and other natural resources are developed and are available on the world markets through free and fair international trade.

We have a strategic interest in seeing that these areas do not become hotbeds of armed conflict, terrorism or drug trafficking. These countries are located in a difficult neighborhood—the adjacent countries include Iran, Afghanistan, and China. In this area are a number of serious ethnic conflicts and unresolved political differences which could lead to bloodshed and instability. We need only remember, Mr. Speaker, that in this region we have already seen serious strife in Nagorno-Karabakh and Abkhazia, which have resulted in the loss of tens of thousands of lives and the creation of hundreds of thousands of refugees.

Mr. Speaker, H.R. 1152 authorizes and urges that we provide humanitarian assistance, as well as help for economic development and the development of democratic institutions. These countries are already eligible for other forms of U.S. assistance, but we can and should be doing more. I would also note, Mr. Speaker, that the Administration is currently pursuing many of the policy lines that are called for in this bill, and I commend the Administration for its efforts in this regard. I support this legislation because it helps to focus attention on this important region and urges our government to make a greater effort to help solve regional conflicts, promote regional economic development, and further the development of democracy.

Mr. Speaker, I do want to express my support for an amendment adopted during the markup of this legislation in the International Relations Committee. American companies and firms from other OECD nations have made substantial direct investments in "Silk Road" countries, but they are not being accorded fair treatment. In some cases investment contracts are not being honored, export permits are not being issued, and de facto rationalizations of foreign investment have taken place. In several instances, formal complaints have been lodged by investors through embassies of the United States and other countries.

In order to discourage this kind of mistreatment, the International Relations Committee amended the legislation to include language conditioning U.S. assistance on the fair treatment of foreign investors. Specifically, the amendment requires recipient governments to demonstrate "significant progress" in resolving investment and other trade disputes that have been registered with the U.S. Embassy and raised by the U.S. Embassy with the host government.

I cosponsored this amendment in Committee and I support its inclusion in the bill, Mr. Speaker, because without it the Silk Road Strategy Act could lead countries in this region to conclude that they have a green light to renege on commitments to foreign investors, jeopardizing hundreds of millions of dollars of foreign investments. The inclusion of this amendment should send a strong signal that countries cannot expect to receive American assistance if they mistreat the companies that provide critical investment capital and employment opportunities for their own citizens.

Mr. Speaker, I urge my colleagues to support H.R. 1152, the Silk Road Act of 1999.

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

Mr. BEREUTER. Mr. Speaker, I urge again support of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 1152, 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.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

The Clerk read as follows:

H.R. 2614

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 "Certified Development Company Program Improvements Act of 1999".

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) Loans made by the Administration under this section shall be limited to \$1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to \$1,300,000 for each such identifiable small business concern."

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003."

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (relating to section 508 of the Small Business Investment Act) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

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

“(d) SALE OF CERTAIN DEFAULTED LOANS.—

“(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

“(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

“(A) provides prospective purchasers with the opportunity to examine the Administration’s records with respect to such loan; and

“(B) provides the notice required by paragraph (1).”.

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

“SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

“(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

“(b) ELIGIBILITY FOR DELEGATION.—

“(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

“(A) the company—

“(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

“(ii) is participating in the Premier Certified Lenders Program under section 508; or

“(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

“(B) the company—

“(i) has 1 or more employees—

“(1) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

“(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

“(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

“(2) CONFIRMATION.—On request the Administration shall examine the qualifica-

tions of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

“(c) SCOPE OF DELEGATED AUTHORITY.—

“(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

“(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

“(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

“(i) defend or bring any claim if—

“(1) the outcome of the litigation may adversely affect the Administration’s management of the loan program established under section 502; or

“(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

“(ii) oversee the conduct of any such litigation; and

“(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

“(2) ADMINISTRATION APPROVAL.—

“(A) LIQUIDATION PLAN.—

“(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(1) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (1), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

“(B) PURCHASE OF INDEBTEDNESS.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

“(ii) ADMINISTRATION ACTION ON REQUEST.—

“(1) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

“(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or

denied within the 15-day period required by subclause (1), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

“(C) WORKOUT PLAN.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(1) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (1), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

“(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

“(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

“(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

“(i) shall be in writing;

“(ii) shall state the specific reason for the Administration’s inability to act on a plan or request;

“(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

“(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

“(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

“(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

“(1) does not meet the requirements of subsection (b)(1);

“(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

“(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

“(e) REPORT.—

“(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

“(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

“(i) the total cost of the project financed with the loan;

“(ii) the total original dollar amount guaranteed by the Administration;

“(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

“(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

“(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

“(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(D) A comparison between—

“(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

“(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

“(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.”

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date which the final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

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

Mr. Speaker, I rise in strong support of H.R. 2614, which amends the Small Business Investment Act to make changes in the Section 504 loan program administered by the Small Business Administration. The 504 loan program guarantees small business loans for construction and renovation and provides nearly \$3 billion of financial assistance every year. Mr. Speaker, let

me briefly describe the provisions of H.R. 2614.

H.R. 2614, will increase the maximum debenture size for Section 504 loans from \$750,000 to \$1 million, and the size of public policy debenture backed loans from \$1 million to \$1,300,000. It has been 10 years since the committee acted to increase the maximum guarantee amount in the 504 program. To keep pace with inflation, the maximum guarantee amount should be increased to approximately \$1.25 million; however, the committee believes that a simple increase to \$1 million is probably sufficient.

This increase is especially needed in the 504 program because it is primarily a real estate-based program and the cost of commercial real estate has increased markedly in the last several years.

H.R. 2614 also adds women-owned businesses to the current list of businesses eligible for the larger public policy loans of up to \$1.3 million. This continues our efforts to increase assistance to women-owned businesses.

□ 1600

The Committee on Small Business recognizes the important role women-owned businesses play in the economy and believes this change is needed to ensure the expansion of this sector of our economy.

H.R. 2614 will reauthorize also the fees currently levied on the borrower, the Certified Development Company, and the participating bank. The 504 program now operates with a zero subsidy rate based on calculations estimating the net present value of a year's loans plus fees and recoveries from defaulted loans minus losses.

The fees in the 504 program cover all these costs, resulting in a program that operates at no cost to the taxpayer. The fees sunset on October 1, 2000 and H.R. 2614 will continue them through October 1, 2003.

Additionally, 2614 will grant permanent status to the Preferred Certified Lender Program before it sunsets at the end of fiscal year 2000. This program enables experienced CDCs to use streamlined procedures for loan making and liquidation, resulting in improved service to the small business borrower and reduced losses and liquidation costs.

Finally, to address the problem of low recovery rates on defaulting 504 loans, H.R. 2614 makes the Loan Liquidation Pilot Program a permanent program. This gives qualified and experienced CDCs the ability to handle the liquidation of loans with only minimal involvement of the SBA, resulting in savings to the program, and a corresponding reduction in the fees charged to the borrowers and the lenders.

Mr. Speaker, I again want to urge my colleagues to support H.R. 2614. It will mean a significant improvement in services to their small business constituents, and a reduction in the cost of providing those services.

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

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

Mr. Speaker, I rise in strong support of H.R. 2614, legislation that will update and improve the Certified Development Company, also known as the 504 program. The proposed changes to this program are thoughtful changes that will help more businesses gain access to the capital they need.

The 504 program is one of the most important small business loan programs administered by the Small Business Administration. It represents access to capital for countless entrepreneurs who might otherwise not have a chance to turn their dreams into reality. Since 1980, over 25,000 businesses have received more than \$20 billion in fixed asset financing through the 504 program.

I believe that the proposed changes to the 504 program are reasonable and designed to update the program. By increasing the debenture size, granting the Premier Certified Lenders Program permanent status, adding women-owned businesses to the policy goals, and making the loan liquidation program permanent, we will be strengthening an already exemplary program. These steps also continue the committee's commitment to improve and update the program by making it more responsive to the needs of lenders and small businesses alike. This is a model program and I strongly support this legislation.

There is a lot of talk today about economic development and providing opportunity for all Americans. This comes from a realization that, despite the recent economic growth, many of our communities lag behind. There are still too many neighborhoods that are not enjoying the economic growth felt by many in our communities. We need to not only provide jobs, but jobs with a living wage, so that families can pull themselves out of poverty. Small businesses represent the engine of our economy and they have the ability to provide these jobs.

I have seen firsthand what effect the 504 program can have on a community. Recently I visited Les Fres Ford, a recipient of a 504 loan in my district. This business will use the 504 loan to build a new service center which will allow them to better serve their customers and expand their business. It will also bring up to 50 new jobs to the community. These are good-paying jobs that will help families in the communities I represent.

The changes made by H.R. 2614 will allow this program to continue assisting entrepreneurs in one of the most critical areas in business expansion, finance assistance for building and equipment purchases. These are critical ingredients for business growth, and the 504 programs make sure that small businesses continue to grow. When a business is able to expand, everyone benefits.

Mr. Speaker, I urge the adoption of this legislation.

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

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume and strongly urge passage of H.R. 2614.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to rise in support of H.R. 2614, the Certified Development Company Loan Program.

This bill will ensure a greater access to capital for potential business owners. By providing this access, this will allow our economy to continue to grow and ensure future prosperity for the country. H.R. 2614 makes a number of necessary changes to the Small Business Administration's (SBA) 504 loan program.

H.R. 2614 allows more businesses to have access to loans. It is clear that access to loans gives business owners access to opportunities. In addition, by increasing the debenture size, we will allow Certified Development Companies (CDCs) to make more loans.

H.R. 2614 increases opportunities for business owned by women. Based on statistics, women-owned businesses contribute more than \$2.38 Trillion annually in revenues to the economy, which is more than the gross domestic product of most countries. Women owned businesses also employ one out of every five workers in the United States, which is a total of 18.5 million employees. Based on these facts, women must have adequate access to capital through loans.

Mr. Speaker, we must ensure that the 504 loan program remains solvent. The 504 program is a self-sufficient program which is driven by the market. Through the reauthorization of fees, we can ensure the solvency of the program. We also have a responsibility to make the 504 program more efficient. Under the Premier Certified Lender Program, specific experienced CDC's are granted the authority to approve debentures without SBA involvement. In return, the lenders agree to reimburse the SBA 10% of any loss on a debenture guaranteed by the SBA. By making the Premier Certified Lender Program permanent, the 504 program will be more efficient.

The 504 loan program must properly serve the borrower. The current loan liquidation program has been successful in ensuring that the 504 program works for borrowers. Loan liquidation is the most expensive portion of the 504 program. Through the involvement of the CDC, which has resulted in a higher response rate, the overall costs are lowered for the program. By lowering the cost of the program, businesses will have access to reduced rates on loans, which will lower expenses to small businesses.

H.R. 2614 is good for borrowers and small businesses and is therefore good for our economy. We should vote in favor of H.R. 2614 and expand opportunities for small business owners.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 2614.

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.

AMENDING SMALL BUSINESS ACT TO MAKE IMPROVEMENTS IN GENERAL BUSINESS LOAN PROGRAM

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2615) to amend the Small Business Act to make improvements to the general business loan program, and for other purposes.

The Clerk read as follows:

H.R. 2615

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

SECTION 1. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking "\$100,000" and inserting "\$150,000"; and

(2) in paragraph (ii) by striking "\$100,000" and inserting "\$150,000".

SEC. 2. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "\$750,000," and inserting, "\$1,000,000 (or if the gross loan amount would exceed \$2,000,000)."

SEC. 3. INTEREST ON DEFAULTED LOANS.

Subparagraph (B) of section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by adding at the end the following:

"(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 1999."

SEC. 4. PREPAYMENT OF LOANS.

(a) IN GENERAL.—Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended—

(1) by striking "(4) INTEREST RATES AND FEES.—" and inserting "(4) INTEREST RATES AND PREPAYMENT CHARGES.—"; and

(2) by adding at the end the following:

"(C) PREPAYMENT CHARGES.—

"(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

"(I) the loan is for a term of not less than 15 years;

"(II) the prepayment is voluntary;

"(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

"(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

"(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

"(I) 5% of the amount of prepayment, if the borrower prepays during the first year after disbursement;

"(II) 3% of the amount of prepayment, if the borrower prepays during the 2nd year after disbursement; and

"(III) 1% of the amount of prepayment, if the borrower prepays during the 3rd year after disbursement."

SEC. 5. GUARANTEE FEES.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LOANS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or equal to \$120,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

"(ii) RETENTION OF FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of the fee collected in accordance with this subparagraph with respect to any loan not exceeding \$150,000 in gross loan amount."

SEC. 6. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

"(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to 1 or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. MANZULLO), as a Member opposed to the bill, each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the time in support of H.R. 2615 be equally divided between myself and the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, reserving the right to object, and I will not object, I would just join the gentlewoman in her unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Does the gentleman from Missouri (Mr. TALENT) seek to yield half his time to the gentlewoman from New York (Ms. VELÁZQUEZ)?

Mr. TALENT. Yes, Mr. Speaker. It was my intention to yield the time to the gentlewoman, and I join her in her unanimous consent request.

The SPEAKER pro tempore. The Chair understands the 20 minutes in favor of the bill will be divided equally, so that the gentleman from Missouri (Mr. TALENT) has 10 minutes and the gentlewoman from New York (Ms. VELÁZQUEZ) has 10 minutes.

Without objection, the gentleman from Missouri (Mr. TALENT) is recognized.

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2615, a bill to amend the Section 7(a) loan program at the Small Business Administration. I want to start by thanking my colleague, the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking Democrat on the committee, for her assistance in crafting this bill. Her help has been invaluable, and I thank her on behalf of myself and the small business community as a whole.

Mr. Speaker, the 7(a) general business loan program provides over \$9 billion of financial assistance to small businesses every year. The bill before us, H.R. 2615, will improve this program and make it more responsive to the needs of small businesses.

Allow me to briefly describe the proposed changes to the 7(a) program contained in H.R. 2615. First, the maximum guarantee amount of a 7(a) loan program is increased to \$1 million from the 1988 limit of \$750,000 in order to keep pace with inflation. In fact, Mr. Speaker, to fully keep pace with inflation, the maximum guarantee amount should be increased to approximately \$1,250,000. The committee believes a simple increase to \$1 million is sufficient and has not gone further.

Second, H.R. 2615 removes a provision which reduced SBA's liability for accrued interest on defaulted loans since the provision's intended savings have failed to materialize.

The third change to the 7(a) program concerns the problem of early repayment of large loans, which is jeopardizing the subsidy rate supporting the program. H.R. 2615 will remedy this problem by assessing the fee to the borrower for prepayment of any loan with a term in excess of 15 years within the first 3 years after disbursement.

The committee believes this increase in prepayments is due to a variety of factors. There have been some instances of misuse by the program by businesses seeking bridge financing. There have also been cases where, due to the strong economy, lenders have approached borrowers offering improved terms, effectively skimming loans, and avoiding the need to process credit analyses. This removes authorization dollars from the program which could have been used for other loans and is a disservice to both the small business borrowers and the 7(a) lenders. Both parties work to put financing packages together at the cost of both time and money.

H.R. 2615 also includes three changes designed to encourage the making of smaller loans. The 80 percent guarantee rate will be expanded from loans under \$100,000 to loans under \$150,000. Likewise, the 2 percent guarantee fee will now apply to loans up to \$150,000. That represents a significant savings for these small borrowers.

Finally, for small loans we have included a provision allowing lenders to retain one quarter of the guarantee fee on loans under \$150,000 as an incentive to make these loans.

These changes add to the innovations that Congress has introduced over the past several years concerning the availability of loans at the lower end of the 7(a) spectrum. As a result, since 1994, the number of loans made under \$100,000 significantly. In 1998 alone, 53 percent of the 7(a) loans were under 100,000. This compares with only 37 percent in 1994. The figure fluctuates, Mr. Speaker, but the general trend is definitely in the direction of smaller loans.

Finally, H.R. 2615 modifies current 7(a) program rules prohibiting loans from passive investments. When Congress last reauthorized the program, we modified a similar restriction in the 504 program in order to permit the financing of projects where less than 20 percent of a business space will be rented out when the small business borrower in question will occupy the remaining space. It is time we provides similar options to 7(a) borrowers.

Mr. Speaker, H.R. 2615 is a common sense bill designed to improve the financial assistance provided to small businesses, particularly the smallest of small businesses, and I urge my colleagues to support it.

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

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

Mr. Speaker, I am grateful to the chairman of the Committee on Small Business and the ranking member, and I agree with six-sevenths of the bill. So that is pretty good. My colleagues may say, well, if the gentleman agrees with six-sevenths of the bill, should that not be enough? Normally, under most circumstances, I would say yes, but in its current form, I rise in opposition to the bill and, therefore, will vote against it.

We should not rush to pass this bill under suspension of the rules until we actually have more information from the SBA. I realize most of my colleagues are not versed on the different programs run by the SBA. The SBA has two main loan programs, the 7(a) program and the 504 program. 7(a) mainly provides start-up capital for new entrepreneurs, while the 504 program is designed to meet the capital needs of growing small businesses for expansion or purchases of additional equipment.

We just passed, with my concurrence, H.R. 2614, which increased the maximum loan guarantee amount in the 504 loan program from \$750,000 to \$1 million. I agree with that because growing small businesses already in existence have greater capital needs. In addition, the 504 loan program operates at no cost to the taxpayer because the fees it charges offset its costs. However, H.R. 2615 plans to do the same thing for the 7(a) loan program and I disagree with this policy change.

No one should start up a small business with a \$1 million loan backed by the SBA. If a bank needs a 75 percent government-backed guarantee to feel comfortable with a \$1 million loan, then we should think twice before passing the bill. If someone requires a \$1 million loan for start-up, they are probably buying a lot of new equipment and large amounts of real estate. They should rethink their business plan because this is a recipe for failure and the taxpayers will be left paying off the default.

If a loan is for an already existing small business, then the bank should make these loans on a sound commercial basis without having to rely upon the crutch of the taxpayer. These com-

panies already have a financial track record. It should be on the merits, not an SBA guarantee, that the bank should make the loans.

If a borrower still needs government backing for an expansion project, then they should turn to the 504 loan program. The 504 program should serve capital expansion needs, not the 7(a) loan program.

The question essentially is this: At what point should companies be weaned off government guaranteed loans; 1 year, 2 years, 5 years, 10 years, 20 years?

If the purpose of the Small Business Administration is to give a jump-start to companies that otherwise would not be able to start up a business, then why are we increasing the amount of start-up capital available to them from \$750,000 to \$1 million? We should be keeping it the same and encouraging companies to get off the government help.

It stands to reason that if the SBA has an overall fixed amount of total loans it can support, then throughout the year, as small business owners are able to borrow larger amounts, then the overall loan volume will decrease, to the detriment of the number of small borrowers.

This is what is really confusing. The SBA maintained, for the longest period of time, and sent a memo to my office which they have never corrected in writing, that if the authorization level were kept the same, which it is, but the level of 7(a) loans went from \$750,000 to \$1 million, then in excess of 6,000 entrepreneurs, who otherwise would be applying for and qualifying for small business loans, would be left out because the bigger borrowers would be in there taking up all the money.

That was SBA's position for the longest period of time until they mysteriously, and without any empirical evidence, suddenly changed their mind and said that the small business incentives in the small business bill means there would be a net loss of people receiving loans.

We have to think about that. This bill has a small business incentive in the Small Business Administration loan program.

□ 1615

So now we are in the process of defining a small business within a small business to give incentives to small businesses within the small business loan program.

It makes us wonder why we even have the program in the first place. But it is here. And if it is here, then it should not be abused. And if it is here and the money is available, it should be available for the small entrepreneurs, not the people who can borrow up to \$1 million.

The cost implications in the bill are still not clear. H.R. 2615 contains much-needed incentives to encourage the banks to make the smaller loans. And there we are.

Now, we have got a system not of set-asides but a system somehow built into language that says the Small Business Administration should prefer small businesses.

I want the Members of Congress and the Speaker to think about that statement. If we are encouraging small business loans within the Small Business Administration, then I think that we have an agency now that has lost its mission when it starts dividing up what exactly is a small business.

When H.R. 2615 was marked up in committee, the sponsors of the bill readily admitted that any additional revenue that may be raised with the fees charged to higher dollar loan borrowers will be used to pay for the small loan incentive contained in the bill. Thus, the impact on most expensive items in the SBA budget supposedly would be a wash at best. But we have no empirical data, nothing, that has been furnished to this Member of Congress, who requested the SBA first of all to come to an analysis as to the loss of businesses that would be deprived of start-up capital; and they, on their own, advised this Member of Congress that it would be in excess of 6,000.

Later on they changed their mind, but they told the press still that the information given to this Member of Congress was correct.

Therefore, I can come to one conclusion, and that is that the Small Business Administration itself does not understand the mechanics of this bill. And if they do not understand the mechanics of this bill and they do not understand the wording of it and they do not understand the impact of it, then this bill should not pass, it should come up under regular order and be subject to an amendment.

I urge my colleagues to reject the bill now and send it back to committee. Once we have a more clear understanding of how this bill will impact the budget and small loan borrowers, then we can always act on this provision. We do not have the information yet.

There is plenty of time to work on this legislation. An additional hike in the maximum guarantee amount of the 7(a) loan program can be included in the regular SBA authorization bill. It would be easy to bring it up at a later time. We can mark up a separate bill later this fall. But I do not see the reason for rushing to action on this now when we have incomplete information.

Thus, I respectfully disagree with my chairman and ranking minority member and ask that H.R. 2615 be defeated in its current form.

This is the only alternative left to me because I cannot amend the bill under suspension of the rules. The rest of the bill is fine.

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

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

Mr. Speaker, I rise in strong support of H.R. 2615, legislation to improve and

update the General Business Loan Guaranty, or 7(a), program.

With the passage of today's legislation, we will grow the 7(a) loan program in a reasonable and thoughtful way that expands the program, while continuing our commitment to those businesses that need access to start-up capital.

Although SBA administers numerous programs that provide financial and technical assistance to small firms, the 7(a) program is the agency's flagship loan program. It is far and away the agency's largest and most important both in terms of numbers of loans and program level supported.

Under 7(a), loan guarantees are provided to eligible small businesses that have been unsuccessful in obtaining private financing on reasonable terms. The proceeds from a 7(a) loan may be used for virtually any business purpose and have made the difference for countless entrepreneurs.

Under a 7(a) partnership between Government and nearly 7,000 banks and non-bank lenders that participate, small businesses are ensured the access to capital they need. Since the program's inception, more than 600,000 7(a) loans totaling \$80 billion have been made to help this Nation's small businesses.

One of the important items in this legislation is the increase in the loan guarantee from \$750,000 to \$1 million. It has been over a decade since we increased the loan guarantee. As a matter of fact, if we were to index the current guarantee using the Consumer Price Index, we would actually have a loan guarantee that is higher than what is under consideration today.

I believe what we are doing is reasonable and necessary if the program is to continue to serve our Nation's small businesses.

To safeguard against the risk that increasing the guarantee will harm those seeking smaller loans, we have capped the total loan amount that can be made under the 7(a) program at \$2 million. This is in combination with other provisions of the legislation that will ensure that the 7(a) program will be available to all who need it.

I would also like to voice my strong support for the small loan provisions contained in this legislation. The committee has made sure that small loans are still a priority by adopting such changes as reducing the program's cost to the borrower of loans of \$150,000 or less from three percent of the loan to two percent, making certain that small businesses will keep more of their money.

We are also creating incentives for lenders to continue to make small loans by giving those lenders additional funds guaranteed by the SBA through an increasing guarantee from 75 percent to 80 percent and a rebate that could be as high as \$600 per loan.

These proposals will ensure that the program continues its mission. If the 7(a) program is going to continue to

serve this Nation's small businesses, it must keep in step with the changing financial landscape.

The changes made by H.R. 2615 create a balanced approach that updates the 7(a) program while affirming our commitment to small businesses that small loans are still accessible. I urge my colleagues to support H.R. 2615.

I just would like to take a moment to respond to the points made by the gentleman from Illinois (Mr. MANZULLO).

I am just as concerned that we continue our commitment to small loans to address this. To address this, the committee has placed several provisions aimed at encouraging small loans. These provisions offer incentives for 7(a) lenders to continue to make smaller loans, especially loans under \$150,000.

These incentives include the increase in the loan guarantee amount from 75 to 80 percent for loans under \$150,000 in section 1; the reduction of borrower's fees from three percent to two percent on loans up to \$120,000 in section 5; and the fee-splitting provision in section 5 that will allow up to 25 percent of the borrower's fees on loans under \$150,000 to go to the 7(a) lenders rather than to SBA.

Without the increase in the loan guarantee that pays for these incentives, we will be faced with a choice, either increase the program's subsidy rate, which will require additional funds are appropriated, and given the current state of the Commerce-Justice-State appropriations bill we will consider this week, that is unlikely; or eliminate these important small business loan provisions. And I believe that that will be short-sighted.

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

Mr. TALENT. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Missouri (Mr. TALENT) has 6½ minutes remaining.

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

Mr. Speaker, the jurisdiction of the small business community, the legislative jurisdiction of it, is really only over the Small Business Administration and its programs.

Since I became chairman, I have tried to use the oversight jurisdiction of the committee, which is much broader, to struggle for tax and regulatory relief for small businesses around the country. And that is really what we devote a whole lot of our time to on the committee. But we do take seriously the job of overseeing the programs in the Small Business Administration.

In order to accomplish that, we periodically work together on a bipartisan basis and we pass bills designed to update the network of statutes that on the basis of which those loan programs run. I have tried to push them in the direction in my chairmanship and with

the support first of the gentleman from New York (Mr. LAFALCE) and then of the gentlewoman from New York (Ms. VELAZQUEZ) in the direction of making those programs more efficient and making them run as entirely private lending programs do whenever we can.

This bill is part of that trend. It contains a number of different provisions which are important to achieving that effort.

We have worked together on a bipartisan basis. We produced the bill by a 24-4 vote in the committee. I ask the House to support us in these efforts. This is important to the people who rely on these programs and administer these programs and important to what we are trying to accomplish on the committee.

The gentleman from Illinois said correctly, I think, that he agrees with six-sevenths of the bill. I say it might be even more than that. The only dispute is a provision that, in the view of the gentleman, pushes the portfolio away from the direction of smaller loans.

First of all, Mr. Speaker, there is no question and I do not think the gentleman would deny that, on balance, this bill continues the trend of moving the 7(a) portfolio in the direction of smaller loans.

First of all, the bill caps the total size of any guaranteed loan at \$2 million. So a lender cannot issue a 7(a) loan or make a 7(a) loan for more than \$2 million. There has been no statutory cap on loan size.

The bill allows lenders to retain a somewhat greater percentage of fees that are paid when they make smaller loans, and the bill increases guarantee rates for smaller loans. So there is no question that this bill will continue prudently pushing the portfolio in the direction of smaller loans.

The sole dispute is over one small provision in this bill which allows the total amount of the guaranteed loan to go up from \$750,000 to \$1 million. In other words, the portion that the Government guarantees of any loan is now at \$750,000. If this bill passes and the President signs it, it will be \$1 million.

The reason we do that, Mr. Speaker, is that amount has not been adjusted for inflation for 11 years. It was made \$750,000 in 1988 I believe. We have not changed it at all. We have made a modest adjustment that does not even keep pace with inflation. It is the only part of this bill that is in issue.

To be perfectly frank, I simply do not see why it is that big a deal. We felt it was important to do it because, without some aspect of this portfolio being somewhat larger loans, it tends to undermine the stability and the financial prudence of the portfolio as a whole.

We want to push it in the direction of the smaller loans. But if we go too far and too fast, we yank out of the portfolio the somewhat larger loans which really support the whole 7(a) portfolio. And we do not want to do that. That could result in a lot more defaults and a lot more money that we have to find

out of the general revenue in order to support this program.

Again, Mr. Speaker, I respect the gentleman from Illinois (Mr. MANZULLO). He and I have worked together on our time on the committee together. I respect the sincerity of his view here.

I would say it is a small part of this bill. I am happy to work with the gentleman as we go through the process over in the Senate and then in conference. But I hope we can have the confidence of the House in supporting this bill.

It came out of the committee by an overwhelming majority. It may be housekeeping to most of the House. It is important to these programs. We try to do a responsible, bipartisan job on the Committee on Small Business. The ranking member and I are in full agreement, as was the overwhelming majority of the committee.

Again, I ask the House for its supports. We will continue working on this issue as we move through the process.

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

Mr. MANZULLO. Mr. Speaker, may I inquire of the Chair the amount of time that I have remaining?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MANZULLO) has 12 minutes remaining.

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

Mr. Speaker, first of all, I want to concur with the statements of the chairman of the Committee on Small Business, who has done a tremendous effort in turning the Committee on Small Business into a committee that has been very responsive, listening to the needs and the desires of the people across this Nation.

I chair the Subcommittee on Small Business, Tax, and Trade. I have seen the chairman conduct other hearings, and I know that he has the small business person at heart. In fact, when he practiced law before he came to this body, it was as a person involved in small business and he knows the needs of the small business community intimately well.

I would only suggest to the chairman of the Committee on Small Business, my friend the gentleman from Missouri (Mr. TALENT) this fact: With the increase of the loan amounts from \$750,000 to \$1 million, financially there is less money in the overall pot. Because there has been no increase in the authorization.

□ 1630

As the gentlewoman from New York (Ms. VELAZQUEZ) says, there is little opportunity, little likelihood that there would be an increase in the authorization. Simply based upon the fact that there is less money in the pot, who is going to be the recipient of not getting the money? Is it going to be the little guy, or the people who have the attorneys and the CPAs and the bankers that can increase their

amounts from \$750,000 to \$1 million? That begs the basic question as to what the purpose of the Small Business Administration is.

I am trying the best I can to preserve some type of mission that the SBA has. We have absolutely no empirical data, nothing to refute the original data that the SBA gave me, nothing in writing, no words from the SBA, nothing from either of the speakers here to refute the fact that the memo they gave me stated unequivocally and in concurrence with Mr. Hocker who testified at the Small Business hearing that unless the authorization were increased, the fact that we are increasing the amount that could be borrowed from \$750,000 to \$1 million means that in excess of 6,000 small businesspeople who otherwise would qualify for an SBA loan will be excluded from the process. To aggravate that, in the past 3 years, as the amount of SBA loans go up, the number of small business recipients goes down and the number of small businesspeople receiving the loan has now dropped to about 53 percent of the total, meaning that the larger applicants are getting the lion's share of the money and that is the dangerous trend. I am trying to stop that.

Is it worth objecting to an entire bill because you are opposed to one-seventh of the bill? The answer is yes. The name of the bill is small business. Does anybody think that borrowing \$1 million today is small business? It could be, but if it is of that magnitude, then the bank should be willing to kick in the extra amount and to guarantee the extra amount, not put it upon the shoulders of the taxpayers to say we want you to guarantee up to \$1 million. If you are solvent enough to borrow \$750,000 with an SBA guarantee, then the banks themselves should be willing to loan the rest of the amount of money based upon their own private arrangement with the borrower. It is just that simple.

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

I would just like to echo the comments made by the gentleman from Missouri. You have to continue updating a program. What works in the 1980s does not necessarily work in the 1990s. No bank would allow its loan program to go a decade without updating it. If we are going to make SBA a cutting edge financial institution of the 21st century, we must continue to improve these programs. It just makes sense.

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

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

Let me repeat again both my friendship and my respect for the passion and the commitment of the gentleman from Illinois to small business. He and I have talked over this issue. We had a full debate over it in committee. I do want to continue working with him as this bill goes through the process. I do want to emphasize the importance to

Members of the House who may not, and I certainly could not blame them if they were not familiar with the ins and outs of all these programs, but I hope they will understand that these programs are important, that the committee does oversee them and that it is important that we move this legislation through to make all the different corrections that are in there.

So I would ask of the House, let us get this bill out and get it in conference. I pledge to continue working with the gentleman. It is a small part of the bill over which we have a disagreement. There is no question that the bill as a whole moves in the direction of pushing the portfolio gently towards smaller loans. I like that. We have worked for that under my chairmanship. He have worked for that with the ranking member. This is a modest inflationary update. I would hope that we would have the House's confidence in being able to make it and that we can move this bill through.

I would urge the House to support H.R. 2615.

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

Mr. TALENT. I yield to the gentleman from Illinois.

Mr. MANZULLO. Based upon the gentleman's assertions that he is willing to continue discussing this figure of \$750,000 increased to \$1 million, I would still be opposed to the bill, I will vote "no" on an oral vote but not call for a recorded vote.

Mr. TALENT. Reclaiming my time, I appreciate very much the gentleman's most gracious concession in that regard. I certainly will be glad to keep working with him. He and I disagree on this. My major concern is making sure that we have a proper balance in the portfolio so that we do not have the unintended impact of undermining the stability of the smaller loans that we do make by not allowing this minor inflationary update. But perhaps we can provide for that in some other context. I am happy to work with the gentleman in that regard.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 2615.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2615.

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

There was no objection.

THOMAS S. FOLEY UNITED STATES COURTHOUSE AND WALTER F. HORAN PLAZA

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 211) to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza", as amended.

The Clerk read as follows:

H.R. 211

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

SECTION 1. DESIGNATION OF COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, shall be known and designated as the "Thomas S. Foley United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Thomas S. Foley United States Courthouse".

SEC. 2. DESIGNATION OF PLAZA.

(a) DESIGNATION.—The plaza located at the south entrance of the Federal building and United States courthouse referred to in section 1(a) shall be known and designated as the "Walter F. Horan Plaza".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the plaza referred to in subsection (a) shall be deemed to be a reference to the "Walter F. Horan Plaza".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

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

Mr. Speaker, H.R. 211, as amended, introduced by the gentleman from Washington (Mr. NETHERCUTT), honors two former Members of this body, former Speaker Tom Foley and Congressman Walter Horan. The amendment simply corrects the address and properly designates the facility as a United States courthouse, which the building is typically referred to as in Spokane.

This legislation will designate the United States courthouse and courthouse plaza in Spokane, Washington, as the "Thomas S. Foley United States Courthouse and Walter F. Horan Plaza". This designation is a most deserving one.

Ambassador Foley served in the Congress from January 1965 until December 1994. As most of the Members here are well aware, Ambassador Foley was our 49th Speaker of the House of Rep-

resentatives. Prior to his election as Speaker, Ambassador Foley was the majority leader, majority whip, chair of the Democratic Caucus and chairman of the Committee on Agriculture. Before being elected to the Congress, Ambassador Foley was special counsel to the Senate Committee on Interior and Insular Affairs. He also served as deputy prosecuting attorney in Spokane and assistant attorney general for the State of Washington.

After leaving this body, former Speaker Foley continues to distinguish himself in public service as the United States Ambassador to Japan. Naming the courthouse in Ambassador Foley's hometown is a reminder of his dedication and hard work in public service.

The plaza entrance to the courthouse will be designated as the "Walter F. Horan Plaza". This will be a reminder to all that are entering the courthouse through the main plaza of the many accomplishments by former Congressman Horan for his eastern Washington district.

If there ever was an example of the American dream, it is Walter Horan. He was born in a log cabin on the banks of the Wenatchee River in 1898. After attending the Wenatchee public schools, he was graduated from Washington State College in 1925. Prior to that, he entered World War I, serving for 2 years in the United States Navy as a gunner's mate third class. Upon graduation, he returned to his apple farm in Wenatchee, Washington where he engaged in fruit growing, packing, storing and shipping until he was elected to the 78th Congress in 1942. He went on to serve in the next 10 succeeding Congresses and rose to third in seniority on the Committee on Appropriations. He always gave close attention to agriculture and the conservation community. Former Congressman Horan passed away in 1966. Naming the Plaza on his behalf is a fitting designation.

This is a fitting tribute, Mr. Speaker, to two former Members of this body. I support the bill and urge my colleagues to join in support.

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

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume. Also, I want to thank the gentleman from North Carolina (Mr. COBLE) for introducing this bill and the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this bill to the floor in such a timely manner.

I rise in strong support of H.R. 211, a bill to designate the Federal building and courthouse located at 920 West Riverside Avenue in Spokane, Washington as the Thomas S. Foley United States Courthouse, and the plaza located at the south entrance as the Walter F. Horan Plaza.

Mr. Speaker, as a new Member from Washington State, I know that we come here with big shoes to fill. We had Scoop Jackson, Warren Magnuson, and we had Speaker of the House Tom

Foley. Tom Foley had an outstanding and distinguished public career and it is a career that continues to this day. As we all know, for 30 years he ably represented the Fifth Congressional District in Washington. During that time he served as the majority leader, the majority whip, chairman of the House Committee on Agriculture and was, of course, the 49th Speaker of the House. Mr. Foley continues to serve today as our country's Ambassador to Japan.

During his time in Congress, Tom Foley's top legislative priorities included increasing the minimum wage, revising clean air standards and parental leave and child care measures.

Tom was a Washington native. He was born in Spokane in 1929. He attended local school, graduated from Gonzaga High School and went on to attend the University of Washington in Seattle. He later graduated from the University of Washington Law School in 1957.

Tom Foley's legacy is lasting and his reputation for fairness, for dignity and for openness is a model for all Members to follow. He is well respected, affable and a conciliatory person. Speaker Foley served to help make Congress the best forum for democracy in the entire world. It is with great pride that I support this bill.

Mr. Speaker, as was mentioned, H.R. 211 also honors Walt F. Horan by designating the plaza at the south entrance to the building as the Walter F. Horan Plaza.

As was mentioned earlier, Mr. Horan served his country in the House of Representatives for 22 years, from 1943 to 1965. He was proud of the fact, it was mentioned, that he was born in a log cabin on the banks of the Wenatchee River, truly a pioneer in our State and a pioneer in this legislative body. He attended local public schools. After graduating high school, he served in World War I as a gunner's mate third class. In 1925 he graduated from Washington State College in Pullman.

Walter Horan served with dignity and diligence for over 20 years. It is fitting and proper to honor him with this designation.

Mr. Speaker, I strongly support H.R. 211.

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

Mr. COBLE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER) the chairman of the House Committee on Transportation and Infrastructure.

Mr. SHUSTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I did not have the privilege of knowing Congressman Horan. I support this legislation strongly. But I did have the privilege and do have the privilege of knowing Ambassador Foley, of knowing him as a colleague, of knowing him as the distinguished Speaker of this House, of knowing him as the chairman of the Committee on

Agriculture, and I felt I had to be here today to express my enormous admiration for this distinguished American.

□ 1645

He as a Speaker, a Democratic Speaker, but a Speaker of the Whole House, was always very, very fair. This distinguished American treated those of us in the minority, when indeed Republicans in the minority, with fairness, with consideration. In fact, one of my Democratic friends some years ago when Speaker Foley was indeed in the Chair leaned over with a smile on his face and whispered to me, "You know, one of the things, perhaps the only thing, that is wrong with Tom Foley is sometimes he is too bipartisan." Well, of course the Speaker is the Speaker of the Whole House, and he was fulfilling his duties and his obligations, and he was fulfilling them with dignity, with intelligence and in the best tradition of the great speakers of this august body.

Mr. Speaker, I certainly therefore want to very strongly support this legislation today as a tribute particularly to Ambassador Foley, and I want to note that indeed it is a Republican Member of Congress, the gentleman from Washington (Mr. NETHERCUTT) who has been the prime mover of this legislation, and I think that is very fitting because I believe it sends the very clear message that we on this side of the aisle have the same respect and love and affection for Speaker Foley that our good friends on the other side of the aisle certainly have indicated.

So I urge the passage of this legislation, and I trust and hope it will be unanimous.

Mr. BAIRD. Mr. Speaker, I have no more requests for time at this point, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT), the sponsor of the bill.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. COBLE) for the time and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Washington (Mr. BAIRD) for their kind remarks. I am proud to be the sponsor of this legislation along with the other 8 members of the Washington State congressional delegation to name the Federal Court House in Spokane, Washington, my hometown, the Thomas S. Foley United States Courthouse and the plaza in front of that courthouse as the Walter F. Horan Plaza.

As the successor to Tom Foley, I came to know him very well in the 1994 elections, and I must say, as difficult as elections can be, the one that occurred in 1994 in my judgment and I think in the judgment of many other people was one that was carried on with great dignity and discussion and debate of the issues and the leadership that was proper for the future for our Fifth Congressional District.

I won that election with mixed emotions frankly. I felt terrible for my

predecessor who had served for 30 very long years and dignified years and years filled with great service, and I felt sorry that he ended his service with an election like that which occurred in 1994, but at the same time I was pleased to be able to represent the Fifth Congressional District and go forward in the years ahead, wanting to have good representation for the entire east side of the State of Washington.

So it was bitter sweet in many respects, but my respect for Mr. Foley certainly is not bitter sweet. It is undying, it is unyielding, it is constant, because I have had him as my representative before I came to public life for 30 years and Mr. Horan for the prior 22 years, virtually my entire adult life until I was elected in 1994. So I have known these two men and watched them represent eastern Washington and the State of Washington's interests with great dignity, with certainly unquestionable respect for the institution of Congress and respect for the people of eastern Washington.

During law school I happened to serve as a law clerk in the Spokane County Superior Court, and my prime judge for whom I was assigned was William F. Williams, a very close friend of Foley who was later a Supreme Court Justice in our State. But I also served as a law clerk for Thomas S. Foley's father, Judge Ralph Foley.

So Tom, the former Speaker, comes to this institution with a very distinguished background, a distinguished family. His mother and father were very highly recognized and respected in eastern Washington, as was Thomas S. Foley. He served, as was stated here, for 30 years representing our district as Speaker of the House, as majority leader, as chairman of the Committee on Agriculture, a chairmanship that was vitally important to eastern Washington and the agricultural community that exists there even to this day.

I saw Mr. Foley in Japan earlier this spring, and in characteristic conduct he conducted himself and has conducted himself as a representative of the United States of America in Japan with great respect and dignity, just as he did here in this House for so many years.

I just want the people of eastern Washington, the people of this country, to know that in designating this courthouse in the name sake of Tom Foley and Walt Horan we are paying tribute and respect to their work for all of us in eastern Washington and in our State of Washington, our beloved State of Washington. So it was with pleasure that all of the members of our delegation signed onto this bill that I introduced, most notably Democrats and Republicans alike who had worked with Mr. Foley and Mr. Horan in some respects and have enormous respect for those two men.

So I thank the House for considering this bill, I urge that it be adopted unanimously and that the respect and dignity that is due Mr. Horan and Mr.

Foley will continue under the name sake of the Thomas S. Foley United States Courthouse and the Walt F. Horan Plaza.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 211, 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 designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the 'Thomas S. Foley United States Courthouse', and the plaza at the south entrance of such building and courthouse as the 'Walter F. Horan Plaza'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 211, as amended.

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

There was no objection.

COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to amend provisions of title 17, United States Code, relating to penalties, and for other purposes as amended.

The Clerk read as follows:

H.R. 1761

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 "Copyright Damages Improvement Act of 1999".

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "\$500" and inserting "\$750"; and

(B) by striking "\$20,000" and inserting "\$30,000"; and

(2) in paragraph (2), by striking "\$100,000" and inserting "\$150,000".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) is amended by striking paragraph (2) and inserting the following:

"(2) In implementing paragraph (1), the Sentencing Commission shall amend the guideline applicable to criminal infringement of a copyright or trademark to provide an enhancement based upon the retail price

of the legitimate items that are infringed upon and the quantity of the infringing items. To the extent the conduct involves a violation of section 2319A of title 18, United States Code, the enhancement shall be based upon the retail price of the infringing items and the quantity of the infringing items.

"(3) Paragraph (1) shall be implemented not later than 3 months after the later of—

"(A) the first day occurring after May 20, 1999, or

"(B) the first day after the date of the enactment of this paragraph,

on which sufficient members of the Sentencing Commission have been confirmed to constitute a quorum.

"(4) The Commission shall promulgate the guidelines or amendments provided for under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired."

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 1761 makes significant improvements in the ability of the Copyright Act to deter copyright infringement. It will increase the statutory damages available to copyright owners whose registered works have been infringed in an effort to deter infringing conduct. Copyright piracy is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that there will be an effective deterrent to this conduct.

Another significant aspect of H.R. 1761 addresses a problem the subcommittee learned about during an oversight hearing on the implementation of the NET Act and enforcement against Internet piracy. The House Judiciary Subcommittee on Courts and Intellectual Property received testimony about the lack of prosecutions being brought under the act by the Department of Justice and the Sentencing Commission staff failure to ad-

dress Congress' desire to impose strict penalties for violations of the act that will deter infringement in their recent report. H.R. 1761 clarifies Congress' intent that the United States Sentencing Commission ensure that the sentencing guideline for the intellectual property offenses provide for consideration of the retail price of the legitimate infringed-upon item and the quantity of infringing items in order to make the guidelines sufficiently stringent to deter such crime. This language gives the Sentencing Commission the discretion to adopt an aggravating adjustment where it may be appropriate in cases of pre-released copyright piracy in which no corresponding legitimate copyrighted item yet exists, but the economic harm could be devastating. These changes will enable the Department of Justice to better prosecute crimes against intellectual property.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violations of those rights. By doing that the United States will protect its valuable intellectual property and encourage other countries to enact and enforce strong copyright protection laws.

I would like to commend the distinguished gentleman from California (Mr. ROGAN) for his leadership in introducing this bill and his hard work in bringing it to this point. H.R. 1761 is an important piece of legislation, and I urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of H.R. 1761, the Copyright Damages Improvement Act of 1999. Consistent with the responsibility conferred on us by article 1, section 8, of the Constitution, we are required from time to time to assess the efficacy of our intellectual property laws in protecting the works of authors and inventors. Toward that end earlier this year the Subcommittee on Courts and Intellectual Property resolved to address several concerns which had been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it does unfortunately occur.

The bill originally reported out by the Committee on the Judiciary was broader in scope than the bill before us today, and I supported that bill in its previous form, but we resolved to bring before this body a bill reflecting a consensus, and that is what we have done. I know of no opposition to the bill under consideration today.

The bill has two key features. First the bill provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish this the cost of infringement must substantially exceed the cost of compliance so that

those who use or distribute intellectual property have an incentive to comply with the law. The inflation adjustments provided in H.R. 1761 accomplish that objective.

Secondly, at a hearing held this past May, the Subcommittee on Courts and Intellectual Property heard evidence that the current sentencing guidelines for intellectual property crimes is not sufficiently stringent to deter such crimes.

□ 1700

The subcommittee's conclusion ratified by the committee was that the current guideline with its reliance on the value of the infringing item should be replaced with a guideline based on the retail price of the infringed upon item. At the same time, as a result of quite productive discussions with the staff of the sentencing commission, we acknowledged the commission's ability to make reasonable adjustments, aggravating or mitigating, as appropriate.

Mr. Speaker, I want to thank the chairman of the subcommittee for bringing this bill to the floor and for his consistent work in bringing bills to strengthen our intellectual property laws to the floor.

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

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

Mr. Speaker, I thank my friend from California, and I was about to do the same to him. We have worked very closely on this. This has taken a good amount of time, both on the part of gentleman from California (Mr. BERMAN) and me as well as other members of the subcommittee and staff. All have done a good job. This is an important piece of legislation.

Mr. ROGAN. Mr. Speaker, copyright violations, particularly those via the Internet, are a growing problem. H.R. 1761 the Copyright Damages Improvement Act of 1999 ensures that changes in federal law keep up with changes in technology. This bill provides an effective deterrent against copyright infringers and Internet privacy. I am pleased to join the chairman of the Courts and Intellectual Property Subcommittee, Mr. COBLE, and the gentleman from Virginia Mr. GOODLATTE, along with the ranking member of the subcommittee, the gentleman from California Mr. BERMAN, to make these significant improvements to the Copyright Act and the No Electronic Theft Act.

H.R. 1761 will increase the amount of statutory damages available for copyright infringement. Specifically, this bill, as amended, increases existing penalties for infringement by 50%. Further, the bill clarifies Congress' intent that the United States Sentencing Commission consider the retail price of a legitimate infringed-upon work and the quantity of the infringed upon works when determining sentencing guidelines for intellectual property offenses.

During the subcommittee's hearing on the "Implementation of the NET Act and Enforcement Against Internet Privacy," the concern raised about the lack of prosecutions being brought by the Justice Department and the

Sentencing Commission's failure to address Congress' desire to impose strict penalties for violators. The committee heard how the price that pirated material is sold for on the black market is often the value used for prosecution, not the actual value of the copyrighted item. This is wrong. My bill clarifies that the Sentencing Commission shall use the retail price and quantity of the infringed-upon goods as bases for determining their value.

Finally, I want to recognize and thank all of the interested parties who came together to work out the compromise language that is contained in the manager's amendment today. These needed changes will give added protections to copyright owners by strengthening the deterrents for intellectual property theft, and enable the Department of Justice to better prosecute crimes against copyright owners.

Mr. Speaker, it is crucial that our country remain the leader in the protection and enforcement of intellectual property rights, H.R. 1761 increases the damages for copyright infringement, and serves as a strict deterrent for those who try to skirt the law. I urge my colleagues to support the passage of this bill in its amended form.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1761, as amended.

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

A motion to reconsider was laid on the table.

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1257) to amend statutory damages provisions of title 17, United States Code, 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 North Carolina?

Mr. BERMAN. Mr. Speaker, reserving the right to object, I do so simply to yield to my friend from North Carolina to indicate his intentions with respect to bringing up the Senate bill at this time.

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

Mr. BERMAN. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, the purpose of this request is to amend the companion Senate bill and send it back to the Senate with the amendment that the House just passed.

Mr. BERMAN. Mr. Speaker, reclaiming my time, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1257

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 "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999".

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "\$500" and inserting "\$750"; and

(B) by striking "\$20,000" and inserting "\$30,000"; and

(2) in paragraph (2)—

(A) by inserting "(A)" after "(2)";

(B) by striking "\$100,000" and inserting "\$150,000";

(C) by inserting after the second sentence the following:

"(B) In a case where the copyright owner demonstrates that the infringement was part of a repeated pattern or practice of willful infringement, the court may increase the award of statutory damages to a sum of not more than \$250,000 per work."; and

(D) by striking "The court shall remit statutory damages" and inserting the following:

"(C) The court shall remit statutory damages".

Passed the Senate July 1, 1999.

MOTION OFFERED BY MR. COBLE

Mr. COBLE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. COBLE moves to strike all after the enacting clause of the Senate bill, S. 1257, and to insert in lieu thereof the text of H.R. 1761 as it passed the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "to amend provisions of title 17, United States Code, relating to penalties, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1761) was laid on the table.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1761, as amended.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1717

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. MILLER of Florida) at 5 o'clock and 17 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 2488, FINANCIAL FREEDOM ACT OF 1999

Mr. ARCHER. Mr. Speaker, pursuant to clause 1 of rule XXII and by the direction of the Committee on Ways and Means, I move to take from the Speaker's table the bill (H.R. 2488) to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour.

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

Mr. Speaker, this is the customary motion to go to the conference with the Senate. I understand that the minority has a motion to instruct which is debatable for 1 hour, so I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. RANGEL moves that (1) in order to preserve 100 percent of the Social Security Trust Fund surpluses for the Social Security program and to preserve 50 percent of the currently projected non-Social Security surpluses for purposes of reducing the publicly held national debt, and;

(2) in order to insure that there will be adequate budgetary resources available to extend the solvency of the Social Security and Medicare systems, and to provide a Medicare prescription drug benefit.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2488 be instructed, to the extent permitted within the scope of conference, to insist on limiting the net 10-year tax reduction provided in the conference report to not more than 25 percent of the currently projected non-Social Security surpluses (or if greater, the smallest tax reduction permitted within the scope of the conference).

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Texas (Mr. ARCHER) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

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

Mr. Speaker, few people in the country and a lot of people in the House of Representatives are unaware as to what this procedure is in terms of going to conference. Civics 101 would dictate that the House and Senate conferees are trying to come out in a conference in working out their differences so that we can send a tax cut bill to the President of the United

States for his consideration so that it would become law.

Yet, Mr. Speaker, nobody in the House or the Senate, no Democrats or Republicans, truly believe that anybody believes the President is going to sign such a bill.

This thing rushed through the Committee on Ways and Means in 1 day. And why? Because it was already pre-packaged. We already had an offer from the majority that we had to refuse. A similar thing occurred in the Senate.

So this evening we meet for the first time. Do we really meet to work out our differences in order to have a tax cut bill? No. We meet to see how Republicans in the House and Republicans in the Senate can fashion a bill to such an extent that they know that the President of the United States will have to veto it. And so instead of talking as legislators, instead of talking as tax writers, we are having a political meeting to determine the campaign for the year 2000.

Chairman Greenspan had indicated that he thought it would be best for the economy for us just to take a deep breath, to do nothing. To just allow hundreds of billions of dollars to pay down our national debt, to give a tax cut for everybody by reducing the interest for everybody. And then we say that after we take a look at this objective suggestion by Chairman Greenspan, we should do what every responsible citizen would want us to do, and that is to find out how much money do we owe? How much money do we have? And why not pay off some of this debt before we move forward?

The Republicans would suggest, oh, my God, we have to return this money to the taxpayers because if we do not, we will spend it. Well, I know it is a very small majority that they have, but they still are the majority. They still are the leaders. And unless we have an implosion, unless we have an exodus, it seems as though they will have the majority at least until the year 2000. So what are they afraid of if they are the ones that are in control of the spending?

So we just hope that the motion to instruct the conferees is save Social Security, save Medicare, and let the conference say we do not need a political statement, but we are going to come back together, send this bill quickly to the President to get the veto that you are begging for, and then we will not have to debate throughout August what the tax bill would have been, but we can work together not as Democrats, not as Republicans, but Members of the House and Senate to say to America we fixed the Social Security system, we fixed the Medicare system, we fixed the prescription drugs that are so necessary for our senior citizens. Now we will review and see what in the responsible way we can do to reduce the tax burdens on all of America and not just the richest among us.

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

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the motion to instruct conferees.

Mr. Speaker, this motion it is almost identical to the motion to recommit that was offered by the minority when the tax bill was debated on the floor of the House and perhaps we might simplify things by simply stipulating to the debate that occurred on that motion and then we could just go to a vote.

But I am not sure that I am quite as eloquent as the gentleman from Oklahoma (Mr. WATTS); but I would say, Mr. Speaker, that the American people are caught in a tax trap. The longer they work, the harder they work, the more they pay. And that is wrong.

Now the American people are simply paying too much. Perhaps it was unexpected, but they are paying too much. And the strongest proof of this is that the IRS is now accumulating more cash and will accumulate more cash in the future.

Americans are sending too much money to Washington and there is actually more money than is projected for the government's needs in which to operate.

Mr. Speaker, the problem is not that Washington does not have enough money. The problem is that Washington does not spend money efficiently, prudently, productively. We should begin to cut out the waste instead of saying we have got to have more money and more money and more money.

I know there are those who believe that Washington knows best how to spend the people's money and they should not be given the opportunity to do it because maybe they might make a mistake; but it is their money, not ours and I am proud that the House and Senate on a bipartisan basis think this is unfair and have passed good plans to let people keep more of their money. Yes, the plans are different, but they are both based on the principle that all Americans deserve to keep more of what they have earned. After all, it is their money. If we keep it in Washington, politicians will most surely spend it.

That has been the way it has been throughout history. And over the last hundred years right here in Washington, over 70 percent of all of the surpluses that have ever been generated into the Federal Government have been spent by politicians. Unfortunately, the motion before us is designed to keep hundreds of billions of dollars in excess taxpayer money in Washington to be spent. All along, we warned that there would be enormous pressure and great temptation to spend this budget surplus on more government programs, and it looks like we were right. But, Mr. Speaker, we do not need full-time government and part-time families. We need part-time government and full-time families.

This motion guts broad-based tax relief for the taxpayers who created the

budget surplus in the first place. This motion threatens marriage penalty relief. This motion would make it tougher for people who care for elderly relatives at home by blocking health and long-term care insurance incentives. This motion would stand in the way of pension modernization that will help more men and women enjoy retirement security.

This motion would take away education incentives to make college more affordable and to give parents the ability to save for their children's education and that is what is fair.

Mr. Speaker, we can save Social Security, strengthen Medicare, and provide for prescription drug benefit for needy seniors, pay down the debt and provide tax relief for the American people. Mr. Speaker, 25 cents out of every dollar of surplus is what we are talking about in this tax relief bill. There is plenty to do all of these other things.

I hearken back again when I say *deja vu* to 1995, 1996, and the beginning of 1997 when the same people who offer this motion to instruct said, oh, we cannot give tax relief until after we have balanced the budget. First things first.

□ 1730

Yet, most of them voted for a tax relief bill when we did not even have a balanced budget. Most of them voted for a tax relief bill almost as big as this one today that they call risky and irresponsible when we had no surplus projections at all.

We heard not one word about Social Security. We heard not one word about Medicare. We heard not one word about paying down the debt. My how things change.

To my colleagues on the other side who say we cannot, I simply remind them of the Democratic Senator from Nebraska, BOB KERREY's comment about their argument. He said, "To suggest that we cannot afford to cut income taxes when we are running a \$3 trillion surplus is ludicrous."

Mr. Speaker, I urge opposition to this motion to instruct conferees.

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

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I would just like to make a couple observations. As the ranking member of the Subcommittee on Social Security who has studied the issue of Social Security now for 2½ years, I have to say that there was a lot of misleading information passed on by the House of Representatives last week when we discussed this bill.

There has been a lot of talk about a lockbox and \$3 trillion. The fact that \$2 trillion will be put in a lockbox, that in fact is Social Security money. That is payroll tax money coming in over the next decade, 15 years, the \$2 trillion. The problem is that will not preserve Social Security.

The gentleman from Oklahoma (Mr. WATTS) said last week that that will save Social Security. That will not save Social Security. By putting the \$2 trillion in a lockbox, all that does is make sure that Social Security problem does not get any worse, that it does not get any worse. That is what the issue is. But it will not solve that problem.

In fact, what will be needed, if we do not want to cut benefits, is general fund money going into the Social Security system. The bill of the gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. SHAW) puts general fund money into the Social Security system.

Now, we have a \$1 trillion dollars surplus that is projected, it is only projected over the next decade in the on-budget, non-Social Security surplus. If in fact this tax cut goes through and becomes law, and we all agree it probably will not, but assuming my colleagues vote for this tax bill, that essentially means that they are going to favor cuts in benefits over the Social Security system.

I have to say the purpose of this vote is to put Members on record so that the American public in the year 2000 will find out who wants to protect Social Security and maintain the level of benefits we have now or who wants to cut benefits. Because this vote, if my colleagues vote against this motion to recommit, they are saying, in the year 2001, when we try to deal with Social Security, that they are going to cut benefits, or an alternative, they may want to raise payroll taxes, although I do not believe that is true, so they are going to be cutting benefits.

So this vote against the motion to recommit will be to cut benefits and Social Security. What we are talking about here is a reduction in benefits of 25 percent of the Social Security benefits.

So I urge a "yes" vote on the motion of the gentleman from New York (Mr. RANGEL).

Mr. ARCHER. Mr. Speaker, I yield myself 1 minute simply to respond to the gentleman from California (Mr. MATSUI), and he is my friend.

This is the same sort of statement that we heard when we passed the last tax relief bill: One cannot balance the budget and pass tax relief. One will be cutting benefits. One will be doing all these awful things. But we did it.

I say, Mr. Speaker, today we can save Social Security, we can save Medicare, we can give a prescription drug benefit, and we can pay down the debt, and we can give a small amount in tax relief to the people who earned it.

Mr. Speaker, I yield 4 minutes to the respected gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, as Ronald Reagan once said "Here we go

again." Whenever Republicans want to lower the tax burden on families, my friends on the other side of the aisle always say it is going to somehow hurt people when they lower their taxes.

Now, where I come from, people tell me their tax burden is too high. Our tax burden today is 21 percent of our economy which is consumed by the Federal Government.

Since 1993, the tax burden has continued to go up. In fact, in 1993, the tax burden was less than 18 percent. Today it is 21 percent of our gross domestic product going to the Federal Government. That tax burden is too high.

When it comes to Medicare and Social Security, thanks to this Republican Congress, we have a balanced budget, the first balanced budget in 28 years. It is now projected to provide a \$3 trillion surplus over the next 10 years.

Under our budget, of course we do something that Congresses of the past and Presidents of the past for the last 30 years have refused to do; and that is, we set aside 100 percent of Social Security for retirement security to save Medicare and Social Security.

Now these 3 dollar bills I have, each dollar bill represents \$1 trillion. Under our budget, we set aside \$1 trillion, \$2 trillion. In fact, we set aside two-thirds of the so-called surplus over the next 10 years for retirement security, leaving one-third for other purposes.

We believe the vast majority of that extra surplus, the non-Social Security surplus, should go to help working families, helping working families by lowering their taxes.

Now, folks complain their taxes are too high. That is a common concern. But folks also tell me back home that the tax code is too complicated. They are frustrated that they will have to hire someone else to do their taxes. They are frustrated about the unfairness of the tax code. Frankly, a lot of them are just plain angry that, under our tax code, a married working couple on average pays \$1,400 in higher taxes just because they are married.

Under this packaged tax relief to help working families, we eliminate the marriage tax penalty for a majority of those who suffer it. I have an example here of a couple back in Joliet, Illinois, Michelle and Shad Callahan. They are schoolteachers in the Joliet public school district. In fact, Michelle here is due any day to have a baby, their first child.

They discovered when they got married that they now pay higher taxes just because they are married. In fact, they pay the average marriage tax penalty of \$1,400. Their combined income is about \$60,000.

Under our legislation we passed out of the House, 70 percent of taxpayers receive direct marriage tax relief. I believe by the time the House and Senate work out their differences, more families like Michelle and Shad will receive marriage tax relief.

We work to address the marriage tax penalty, addressing the unfairness in

the tax code, and also simplify the tax code. Because in the House-passed tax relief, 6 million couples will no longer need to itemize.

I would also point out that, under our legislation, since Michelle is due to have a baby, like many moms like to do, she is a working mom, she may take some time off from being in the work force to be home with her baby. Under the legislation we passed out of the House, we are going to let Michelle make up missed contributions to her retirement accounts with catch-up provisions. That will help Michelle and Shad and working families just like Michelle and Shad Callahan.

This legislation is good legislation. We simplify the code by eliminating the marriage tax penalty for millions of working couples, by eliminating the death tax which is suffered by family farmers and family businesses, by providing alternative minimum tax relief to millions of middle class families that now suffer the alternative minimum tax. Also, if one is self-employed, an entrepreneur, we give 100 percent deductibility for one's health insurance, the same corporations get. Today, one only gets 60 percent, and we believe one should get 100 percent.

Mr. Speaker, lowering taxes in a time of prosperity is a good idea. In fact, let me quote a Democrat on the other side of the aisle, BOB KERREY. He says, "To suggest we cannot afford to cut income taxes when we are running a \$3 trillion surplus is ludicrous."

Cutting taxes deserves bipartisan support.

Mr. RANGEL. Mr. Speaker, I yield myself 10 seconds to thank the gentleman from Illinois (Mr. WELLER) making this so personal in sharing the happiness of Shelly and Shad Callahan, and I would like to wish them well. But if they are really looking for a simplification from what is going on in the House and Senate conference, they are in for a nightmare.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, first, let me correct the gentleman from Illinois (Mr. WELLER) in that we do not have a balanced budget. We do not have a balanced budget today unless they count the surplus for Social Security generated income, and none of us want to do that.

They talk about \$3 trillion over the next 10 years. We do not have that. If they look at what is the on-budget surplus that we all acknowledge is money that could be used, we have a projected \$1 trillion surplus over the next 10 years; and we have not seen dime one of it yet. Yet, the Republicans want to spend the surplus before we get the surplus. That is not responsible.

We are talking about what should the priorities be, and the Democratic motion makes it clear that our priorities should first meet our current responsibilities under Social Security and Medicare, not an expanded role, but

they meet our current responsibilities. We think that should be our first priority.

Why do we say that? If they look at the Republican bill to pass this House, it not only spends the trillion dollars during the first 10 years, but then it explodes after that, because it is backloaded. It shoots up to \$4 trillion over the next 10 years. Just as the baby boomers are reaching the age of eligibility for Social Security and Medicare, we are not going to be able to meet our obligations for Social Security and Medicare. That is why we say they cannot do both. We cannot do both.

Our priority is to protect Social Security and Medicare. And how about paying off some of the debt? That will help everybody. The Republicans on one hand offer tax relief, they say; and then, on the other hand, they are going to increase interest rates because of their irresponsibility.

That couple that was so nice that they are trying to help, they are going to lose all that money by increased interest costs if they have any credit responsibility under any charge accounts or financing a car. They are going to end up paying back more that is in the Republican tax bill.

This is an irresponsible and reckless proposal. That is why our motion to instruct is an attempt to try to bring some sanity to what left this House as far as the tax relief is concerned.

Fortunately, this bill will not become law. That is the good news. The President is going to veto it if it passes anywhere near its current form. We do not believe that we should go back to the 1980s when we tried trickle-down economics and we were told that tax cuts were going to help our economy, and all it did was grow our debt.

Now, I understand the Republicans did not support the 1993 economic program that brought about our prosperity. We understand that. But do not turn the clock backwards and try to accumulate large debt again.

We do have projected surpluses in the future. Let us use that to pay down our debt so that we can continue the economic prosperity that we have. Let us meet our obligations under Social Security and Medicare. Let us invest in the priorities that are important, including responsible tax legislation.

This bill is irresponsible. The motion to instruct corrects it. I urge my colleagues to support the motion.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I want my colleagues to look up in the web page www.dsausa.org. It stands for Democratic Socialists of America.

In there, the Progressive Caucus, 58 Members of the Democratic party belong to that. What do they want, Mr. Speaker? This is their own 12-point agenda, not mine, but their 12-point agenda. They want government control of health care. They tried that when

they had the White House, the House, and the Senate. They wanted government socialized health care. It failed miserably.

They want government control of education and environmental laws. They even want government control of private property. They want union over small business. They want the highest possible socialized spending, and they want the highest possible progressive tax that they can get. The highest progressive tax, income tax.

That is what the Democratic Party is controlled by, their leadership, the Democratic Socialists of America, the Progressive Caucus. Guess what, one of their agenda is also to cut defense by 50 percent to pay for that spending.

We fought to save Medicare, and the Democrats fought against it, dead fought against it, \$100 million of union ads against it. In 1993 when they had the White House, they had the Senate, and they had the House, they raised taxes. They promised a middle-class tax cut. What did they do? They increased the tax on the middle class. They increased the tax on Social Security.

Yeah, they made some cuts, and they showed what their real stripes were because they cut veterans' COLAs, they cut military COLAs, and they increased the tax on Social Security.

□ 1745

Now, we have a balanced budget, and we are going to have tax relief, not for the rich, as the Karl Marx-Engels class warfare Democrats talk about, but we are going to have a tax break for working Americans.

Mr. RANGEL. Mr. Speaker, I yield myself 10 seconds just to say that Herbert Hoover is still alive and Herbert Hoover is well. The same accusations that were made against President Franklin Roosevelt for the Social Security System we hear today.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, I want to get back to the subject at hand. When the Republican leadership was trying to find the votes for the bill, the majority leader said this: "You always know how many horses are in the herd, it is just a question of how long it takes to get them into the barn." Well, I hope that some of the horses that went into the barn will take a second look and get out of this barn before we get a roaring deficit once again that would burn it down.

The proponents of this bill like to talk about a \$792 billion cost, but look at the second 10 years. It would be \$3 trillion, \$3 trillion. And the timing could not be worse, as this chart shows, because at the time there would be an explosion, an explosion, in terms of revenue loss that same second 10-year period, the Social Security surplus begins to fall. During the same period,

Medicare runs out of money, 2015. And during that same period, non-Social Security budget surpluses begin to fall. Look, there could not be anything worse in timing. But to make it even worse, the projected surpluses do not even include recognition that there may be emergency supplementals.

Listen, I say to the Republicans, to a fellow Republican, Alan Greenspan, who serves in a nonpartisan position at the moment. Here is what he has said about the Republican bill. "Hold off for a while." "the timing is not right for your bill," "allow the surpluses to run for a while."

The chairman of the Committee on Ways and Means refers to the 1997 tax bill, \$275 over 10 years. This is a \$3 trillion tax cut over 20 years. This is a ridiculous, a reckless, and an irresponsible proposal. It would return our country to the days of borrow and spend.

I heard the chairman of our committee say we can do it all; it is easy. We can do everything. Do not worry, be happy. Well, if this law ever were enacted, this country would be very sad. The Republican Party is becoming the spendthrift party. The spendthrift party.

This is reckless, it is irresponsible, let us vote for the motion to instruct.

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

I would say to the gentleman from Michigan, I did not say it was easy. I did not say it would be easy to balance the budget and give tax relief, but we did it. And the President himself speaks over and over again about the accomplishment of a tax bill that we pushed, and a balanced budget that we pushed. He claims that.

I did not say it would be easy. It will not be easy. What I did say is it is not that Washington does not have enough money to spend, but if we get tough and we eliminate the waste and we become prudent and productive in the utilization of the taxpayers' dollars, we do not have to keep adding bushels and bushels of money by taxing the American people more and more and more. They earned it; they produced it; they worked hard for it; and Washington is enjoying a windfall. Maybe there should be a new windfall profits tax on the windfall to Washington to let the people keep more of their money.

As far as Alan Greenspan is concerned, a lot of what he said has been taken out of context and it needs to be set straight. He said, "If you can save the money, save it." If.

And he knows full well what the halls of history teach this country and other countries that are democracies, and that is that politicians will spend the surplus. Let me repeat again that in the last 100 years every surplus generated by the Federal Government, 70 percent has been spent by the politicians. That is a history of surpluses that are left to "ride" unencumbered.

What does the President do? In his budget, and I now cite from the CPO

documents, "The President's proposals would spend most of the projected on-budget surpluses." Would spend them. And the debt would increase by a greater amount than under the budget that we Republicans passed this year and is now the congressional budget for the United States of America.

Will it be easy? No, it will not be easy. We need to assure the taxpayers that the money that they send here is spent right and not wastefully, instead of merely saying we have to throw more money at it. And there is more than enough money in the Social Security surplus to pay down the Federal debt, to save Social Security, to save Medicare.

The charts that my friend from Michigan used are a little outdated. I am sure he did not prepare them recently, in the last 24 hours. The Senate already, by their rules, prohibits any additional revenue losses outside of the 10-year window. They are shut off totally. Not \$1 is permitted to be used for tax relief outside of the 10-year window.

Besides that, there are no official projections for the years after 10 years, so one can only guess. There are not official government documents, but under the Senate provisions that must be complied with, there is not \$1 of revenue loss outside of the 10-year window. So the gentleman needs to find a new chart for his next speech.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Speaker, I rise to support the Democratic motion to instruct conferees on the Republican tax bill.

America needs a fiscally responsible tax bill, not an excessive and reckless \$800 billion tax cut, almost a trillion dollar tax cut. A tax bill of this magnitude stands in the way of strengthening Medicare and Social Security and threatens the progress we have made in eliminating the deficit and reducing the national debt, and it does nothing, it does absolutely nothing, to help our crumbling schools.

My constituents have demanded this Congress strengthen and protect Social Security and Medicare as well as to continue to pay off the national debt, rather than give tax breaks to the top 1 percent of Americans. I am not arguing there are no Americans who need tax relief, but let me just add that no one on this side of the aisle has said no one in this country needs some tax relief, we are saying just do not give it to the 1 percent richest people on this planet. Many middle income families would greatly benefit from affordable tax cuts, however, these families are not the ones assisted by the Republican tax bill.

Mr. Speaker, please listen to the American people. And if my colleagues

will not listen to them, they should listen to the chairman of the Federal Reserve, Mr. Greenspan, who has vocally denounced a massive tax cut initiative such as the ones passed by the House and the Senate as potentially harmful to our Nation.

This bill does not strengthen Social Security and Medicare and it does not assist our school districts with building new schools and modernizing their old, outdated, and oftentimes unsafe existing structures.

In closing, Mr. Speaker, I ask my colleagues to envision one classroom in my district. A single-room classroom with 50 kindergarten students in it, two teachers, and no funds under this tax proposal to improve the situation in the near future.

Mr. Speaker, I urge my colleagues to support this motion to instruct conferees.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, because again Mr. Greenspan's comments are taken out of context. He said that as between tax relief and spending, he would far prefer tax relief. In fact, he said, "It is not even a close call."

The Congressional Budget Office has just certified that the President proposes to spend almost all of the projected on-budget surplus. Mr. Greenspan would most certainly say that tax relief is better than spending from the surplus. In fact, he did say it and he will continue to say it.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I also would like to speak to the last gentleman who spoke and say that I also heard Mr. Greenspan in the Committee on Banking and Financial Services. I heard what he said, and what he said was, "My first preference is to pay down debt." My first preference is to pay down debt. Now, maybe the majority knows something Alan Greenspan does not, but I do not think so. I do not think so.

We have a \$5.6 trillion debt in this country. We have an opportunity for the first time in a generation to do the right thing and put our financial house in order. The question is whether we will step up to the plate and do that or we will take the money and run and hand the debt to our children and grandchildren.

It is simply not right. It is unconscionable and we should not do it. The fiscally prudent and the financially sound thing to do is to use 50 percent to pay down the debt, 25 percent for tax relief, and 25 percent for Social Security and Medicare.

Mr. ARCHER. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. ARCHER) has 14 minutes remaining, and the gentleman from New

York (Mr. RANGEL) has 13 minutes remaining.

Mr. ARCHER. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. PORTMAN), a respected member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to say that he deserves a lot of credit for getting this bill through the House and for having spent this weekend working with the Senate to come up with a compromise package that will, in the end, be able to give taxpayers the relief that they so well deserve.

Mr. Speaker, I rise in strong opposition to the motion to instruct. I was watching it over in my office and thought I should come over and talk about the fact that the Financial Freedom Act that the gentleman from Texas (Mr. ARCHER) and others have put together, so many of us have had a part in this, is, in fact, not fiscally irresponsible but it is simply taking what is \$3 trillion in projected surpluses over the next 10 years and allowing the taxpayers to keep a little more of their hard-earned money, roughly one-third of that amount, rather than spending it here in Washington on new programs.

It comes down to a philosophical difference, really. The philosophical difference is that Republicans believe people should be able to keep more of their hard-earned money, and the other side believes that it ought to be spent.

Now, we have talked about Alan Greenspan here a lot today. I heard Alan Greenspan testify before the Committee on Ways and Means, and I questioned him. He was very straightforward. He said if it is going to be spent or it is going to be sent back in terms of tax relief, he would far prefer tax relief. In fact, he said it is not even a close call.

Now, Alan Greenspan may believe if it were to stay here in Washington that it would be used to reduce the surplus. I find that hard to believe when I look at the President's own budget proposal, which in fact spends the money. In fact, in this tax bill there is more debt relief than there is in the President's proposal, based on what the Congressional Budget Office, the nonpartisan Congressional Budget Office, just told us last week.

Second, I believe that if we look simply at the record of the last 40 years, we will see that every time there is indeed a surplus in this town, Congress turns around and spends it, expanding Federal programs already in place and creating new programs.

□ 1800

So what we are saying is very simple, which is one dollar out of the three ought to go back.

Second, I want to make the point that this tax bill contains a number of wonderful provisions for the taxpayer in terms of relief from excessive com-

plication of the Tax Code and also in various areas like the marriage penalty, and one I really want to focus on is retirement security.

In this bill our provisions are the most fundamental changes in retirement security in well over a generation that allow every American to have the ability to save more money for themselves for their own retirement. It lets everybody save more on their 401(k) account. It allows everybody coming back into the workforce at age 50 or above, particularly helpful to women who have stayed at home to raise kids, to put more into their defined contribution plans, 401(k)s, 457s, 403(b)s, and so on.

It expands all the defined benefit plans. These are plans that are, unfortunately, dying on the vine out there. There are fewer and fewer of them being offered. We go into these plans. We enable people to save more. We enable people to get more in terms of a benefit. We enable people who are in multi-employer plans, section 415, to be able to get more into their own retirement, taking away some limits that do not make any sense. It will help in the end every single American.

What I love about this is that 77 percent of pension participants are precisely the people we are trying to help the most who make under \$55,000 a year. It is in this bill, and it is precisely what this Congress ought to be doing, in the context of tax relief, simplifying the Tax Code, increasing the savings rate in this country, and finally providing retirement security for millions of Americans.

Sixty to 70 million Americans do not have any kind of pension at all now. Millions of those Americans will be able to get immediate retirement security from the legislation that is contained within this tax bill.

Again, I commend the chairman. I hope we can move on from this motion to instruct, get this legislation together between the House and the Senate, and get it to the President where, hopefully, he will change his mind and sign it for the American taxpayer.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, the Republican tax message is one that we cannot trust Congress to act responsibly with the surplus.

They say, get the money out of town before it even arrives here yet. Is it not a little bit ironic to think their theme is one cannot trust the Congress to manage money wisely, when they in fact are in the majority? Do my colleagues not think that we could be disciplined enough just to run one true budget surplus before we spend what we do not even have yet?

If a business had borrowed money from a bank to operate for 25 years straight and for the first time in 25 years showed a small profit, would we not think we would try to pay down that huge debt?

Two weeks ago this House had a historic opportunity that every businessman and woman understands. That is, when faced with a choice of paying down the debt or spending the surplus, we should pay down the debt. We had a motion on the floor that would dedicate 50 percent of the on-budget surplus to paying down the debt, 25 percent to tax cuts, 25 percent to priority spending needs such as Medicare and Social Security.

Today we are trying again.

Where have all the fiscal conservatives gone in the Republican Party? Fiscal conservatives do not spend money that we do not even have yet. Fiscal conservatives do not ignore the advice of Federal Reserve Chairman Alan Greenspan. Fiscal conservatives do not gamble with our economic security, our health security, our retirement security. Fiscal conservatives understand that paying down the debt means lower interest rates. Fiscal conservatives do not pass on debts to our children and our grandchildren. And fiscal conservatives do not backload tax cuts into an uncertain future.

The President is right to veto this bill. We can take it up next year. What is the rush anyway? There is only \$5 billion in tax cuts next year out of the \$792 billion in the bill, and half of that is extenders.

Only six-tenths of 1 percent of the tax relief will be effective next year, fiscal year 2000. The 10 percent across-the-board tax cut, the increase in standard deduction to reduce the marriage penalty, those could not even happen next year. There is little tax relief in the bill next year, so what is the rush?

I say pay down the debt. Do what is right for our children, right for Social Security, right for Medicare, and right for America.

Mr. ARCHER. Mr. Speaker, what is the time proration again, please?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. ARCHER) has 10½ minutes remaining. The gentleman from New York (Mr. RANGEL) has 11 minutes remaining. The gentleman from New York has the right to close.

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

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

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

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

Mr. Speaker, I rise in support of the motion to instruct. I hope we will vote for this motion to be responsible and to be prudent.

We have to remember, we are not at a crap table in Washington, D.C. This is not Vegas. And I have seen the trick made with the \$3. I hope that all Americans understand that the \$3 we keep

hearing about, these \$3 which represent \$3 trillion, when we talk \$2 trillion being saved for Social Security, we are not saving it for Social Security; we are just telling all the people who contributed this money, the Social Security contributors, the taxpayers who give out of their payroll taxes that money, that we are going to reserve it.

Because that is what it was supposed to go for. It was never meant to be spent for tax cuts or something else. So when my colleagues talk about the three, take the two off the table. Because no one would want us to play with that money.

When we take out of people's paycheck every month Social Security taxes, we do not tell them it is for tax cuts or anything else. We tell them it is for their retirement.

So we are left with \$1 trillion, this \$1 bill. Most of that, under this Republican bill, would go to tax cuts, some \$800 billion dollars.

Now, if we take that \$800 billion tax cut, two-thirds of all that money, two-thirds of this \$1 trillion is going to go to 10 percent of all of America. The 10 percent wealthiest tax filers get two-thirds of this dollar. That means the remaining one-third is left 90 percent of America. That is what we get with this tax bill.

But forget about all that because all this is just projections. We do not know what kind of surplus we will have. The projection is we will have a large surplus. But this is all like playing craps on a crap table. They are shooting and hoping and praying that they win.

But what happens if they do not? Let me put it to my colleagues this way: the average tax cut for someone who earns about \$50,000, a couple who earns about \$50,000 under the Republican tax bill is about \$200 per year. And that is when we have got some of these provisions fully phased in. Because, by the way, in the year 2000 no one is going to get \$200 in tax relief if they earned about \$50,000. They have got to wait until all these provisions are phased in.

But say they are all phased in. They get about \$200 in tax cuts. They are not going to have it. Because all they have to do is save that money, use it for debt relief; and if they have a \$20,000 debt, interest rates go down by one percent, they will save \$200. Do not vote for the tax bill. Vote for this motion to instruct.

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

Mr. RANGEL. Mr. Speaker, I have so many speakers, perhaps the distinguished chairman of the Committee on Ways and Means might yield some time to us so that we could allow the Members to speak out.

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

Mr. RANGEL. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, I would be happy to yield adequate time to anyone on the side of my colleague who

wants to speak against the motion to instruct.

Mr. RANGEL. Mr. Speaker, reclaiming my time, that does not sound fair.

Let me say this. Would the chairman want me to have all of the Democrats speak and then close the argument debate?

Mr. ARCHER. Mr. Speaker, if the gentleman will continue to yield, I served in the minority for 24 years, where I was greatly outnumbered. So I feel very comfortable today being by myself here.

Mr. RANGEL. Well, I guess that makes sense. But what I am trying to do is to find out whether or not my colleague intends to be the last speaker before I close the debate. Because I have half a dozen people here and I just want to know, with the time being what it is, I have 8 minutes and my colleague has 11, I do not know how to space it.

Mr. ARCHER. Mr. Speaker, if the gentleman will continue to yield, when he gets to his last speaker, then I will be glad to yield the balance of my time.

Mr. RANGEL. Very good. I understand.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the committee.

Mr. DOGGETT. Mr. Speaker, this Republican tax bill has declared Christmas while it sizzles.

On this Christmas tree that has been erected here in Washington, one will find a package wrapped up for anyone who has a lobbyist and a political action committee.

There is one break after another. They think nothing of having the taxpayers subsidize 80 percent of the cost of a \$100 bottle of cabernet or a two-martini lunch. They want the taxpayers to subsidize our defense contractors to go out and start more arms races around the world. And these conferees will even be considering a tax subsidy for chicken manure, something that many people have said symbolizes this entire bill.

Instead of simplifying the Tax Code, this bill makes the Tax Code even more complex, and it certainly does not reduce the abusive billions of dollars that occur in corporate tax shelters that all the rest of us end up having to pay. And of course when it comes to fairness, this Christmas tree, while it sizzles, is one that provides a third of its proposed individual tax benefits to the wealthiest one percent of Americans.

It is truly amusing to listen to this debate about Alan Greenspan. After all, what difference does it really make? Well, the difference I think centers on the fact that he is a President Ronald Reagan appointee, an admitted Republican, who has been given credit by many people, Democrats and Republicans, for the success of our economic expansion.

It has been said he would prefer tax cuts to spending. My guess is he prefers

tax cuts to death, as well. But that is not the alternative that he was presented. There is the alternative instead of this massive tax cut bill of reducing the Federal debt. When he was asked last week about this House and Senate Republican approach to taxes, he said it would be "creating a risk that I don't think we need."

We do not need to jeopardize either Social Security or our economic success. And the leading Republican economic expert in this country is the one who said we ought not to do it. If he were here tonight, he would be endorsing the motion of the gentleman from New York (Mr. RANGEL), which is only a motion to assure a fiscally responsible bipartisan alternative; and it ought to be preferred over this tax break and borrow-more scheme that is being advanced by our Republican colleagues.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to gentleman from Arizona (Mr. HAYWORTH), A respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the esteemed chairman of the House Committee on Ways and Means, for yielding me the time.

As I walked onto the floor, Mr. Speaker, I was greeted by the familiar incendiary rhetoric of my friend from Texas. While I appreciate his ability to frame in the most extreme terms what is a reasonably prudent bill and action to give the American people more of their hard-earned dollars, give it back to them, I do find it interesting that my friend from Texas supported tax reduction in 1997 when this government was still in a deficit and yet he would use all matters of extreme rhetoric to try and mischaracterize the essence of what we are doing here as the responsible majority in the United States House of Representatives as we prepare to go to conference with our friends from the other body.

I think the motion offered from my good friend from New York (Mr. RANGEL), the ranking member of the committee, shows the length to which the minority will go to separate the American people from their hard-earned money. It is sad but true, and the rhetoric indicates it and so does the motion to recommit.

Mr. Speaker, as we have documented before, we talk so much about billions and trillions of dollars in this body and on the airwaves across America that sometimes we tend to lose focus about what it is our common sense majority proposes.

I think the best way to characterize it, Mr. Speaker and my colleagues, is to ask us to take a look at these \$3 bills and let them represent the \$3 trillion of surplus that this government will have in the years to come. This is what we propose to do, to lock away almost \$2 trillion dollars to save Social Security and Medicare. And that leaves the remaining trillion dollars.

This is the crux of the question, when we get through all the legislative legerdemain and the name calling, this question remains at the end of the day.

□ 1815

To whom does this money belong? We would say, in the common sense majority, this money belongs to the people who earned it, not to the Washington bureaucrats. Let us take this money and return it to the hardworking taxpayers who have been called on again and again and again to feed the gaping maw which is this insatiable Washington bureaucracy.

And so the gentleman's motion to instruct conferees again asks us, after we have seen the largest tax increase in American history, so extreme a tax increase that over 10 years' time it asked for an additional \$800 billion from the pockets of every American, we are told somehow that is responsible, a tax increase so extreme that it was retroactive, to take money from taxpayers beyond the grave in terms of the death tax.

What we simply say is, Americans have had enough of this. We should put the death tax to death, we should reduce the marriage penalty, and I am glad my friend from Texas mentioned the special interests. Because, as we have seen throughout the years, no one accedes to the special interests more than the previous liberal majority.

Mr. Speaker, I stand with my friends on the right. Reject the motion to instruct conferees.

Mr. RANGEL. 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, I thank the gentleman from New York for yielding me this time. I rise to support the motion to instruct.

Mr. Speaker, I wish we had time for a philosophical debate as was just given by my esteemed colleague, but we have business to do. I would simply tell him that from the far reaches of my district and the people that I have spoken to, businesspersons, they say they do not want a tax cut that is so enormous that it damages Social Security and Medicare, they do not want a tax cut that will increase the national debt by \$1 trillion over the next 10 years, will increase the national debt by an additional \$4.4 trillion over the next 10 years. What they want is a family-friendly, middle-income tax cut and what the Harris County citizens want is the ability to be able to support the Harris County Hospital District with Medicare and Medicaid dollars so that we do not have to cut 165 beds, cut the treatment for AIDS and cancer, and I would imagine the public hospital systems around this Nation are crying now because we are taking \$800 billion away from treating sick people, closing beds, denying them service.

What we want is a motion to instruct to protect Social Security, Medicare,

and provide more Medicaid dollars. I would hope my colleague from Texas and all of my colleagues, Republicans and Democrats, will come down on the side of middle-income tax cuts and saving Social Security, Medicare and Medicaid.

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

Mr. Speaker, the one thing that has not been debated tonight yet is what is in the Democrats' motion to instruct.

One thing that is not in it is a 10 percent across-the-board tax relief to all working Americans and families, men and women who made this surplus possible. What is not in it is marriage penalty relief for millions of Americans who are being punished simply because they got married. That is not in their motion to instruct. They do not include education incentives on student loan interest payments, education savings accounts, and making prepaid college tuition plans tax-free. Those education provisions are not in their motion to instruct. Health care provisions, providing a tax deduction for people who buy their own health insurance, and for long-term care, including help for people who take care of their elderly in their own homes. Our plan has those provisions. It is nowhere to be found in the Democrats' motion to instruct. The Democrat motion has no strengthening of our pension system to help more American workers, particularly women, get a pension and have greater retirement security. No, that is not in their motion.

To 100 million American investors, the Democrats say, "Sorry, you've got to keep paying taxes on your savings every time you sell an asset." To 68 million Americans who have small savings accounts, the Democrats have no provision in their motion to instruct to help. And the Democrats' tax hike, because that is what they proposed in their substitute, and this motion does not even lessen the unfair death tax or the punitive alternative minimum tax. This motion is a turnback to the days of more taxes and more spending and away from the days of economic growth and opportunity for every American.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I think the biggest problem with this tax cut is that it is built upon a false assumption, a false assumption that at least the majority party is not willing to admit, and, that is, that of the \$792 billion tax cut, \$720 billion is attributable to cutting the existing level of Federal spending by 29 percent below today's current spending level. It is not going to happen.

The majority party is not going to cut veterans spending by 28 percent, agriculture by 33 percent, the FBI by 28 percent. Are you going to cut transportation by 23 percent, are you going to cut

defense by \$68 billion? You are not going to do it.

The Committee on Appropriations met last week. It did not do it. It will not do it. And so if you do not do it, \$720 billion of the \$792 billion tax cut is not there. It evaporates because it is built upon a false assumption. You know it and we know it and that's why you should support this truthful instruction to the conferees.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, I think it is important to point out that we are here talking about this measure only after we have a balanced budget. We have passed legislation to set aside the surplus to save Social Security and Medicare. We have locked that Social Security surplus away in a lockbox, and we are talking about part of what is left.

I think it is important to point out that the average American family, and I repeat, the average American family today pays double in taxes what it paid only in 1985. Today's tax burden is the highest ever in peacetime history.

I think the key question is, should your hard-earned tax dollars stay here in Washington to be spent on new Federal programs? Or should they be returned to you, the taxpayer, who sent them here in the first place? I think the answer is pretty clear that you, the taxpayer, deserves the money.

We have over \$1 trillion in non-Social Security surplus, and I think we absolutely must return the taxpayers' money to the people who sent it here. Our bill means that the average Michigan factory worker and his family will save \$1,000 in income taxes. Our across-the-board rate reduction will save the seniors who live in my district over \$500 in income taxes, and, if that senior has a mutual fund, will cut her investment tax rate so that more of her savings can stay with her, not the government.

Mr. Speaker, I believe tax relief is needed. There is no doubt about that. We have balanced the budget, we have set aside money for Social Security which pays down the debt, and I think now is the time for the American people to reap the rewards of their hard work. I urge that we vote against the motion to instruct.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, my friend from Texas left off a few other things that are not in the motion to instruct. There is not a \$200 billion increase in the national debt over the next 5 years. There is not a \$3 trillion increase in our national debt from 2011 to 2020, or \$4.5 trillion of additional debt when you add in interest. That is also not in the Democratic motion to instruct.

The motion to instruct is truly a debate about priorities and values. The priorities, we believe very strongly this is the time for us to use that which we have the opportunity to do, and, that is, to pay down our national debt. We do have a surplus. This is the time for us to be fiscally responsible and pay down the national debt. This is the time for us to be dealing with a very serious problem of 2014 and Social Security, of which the gentleman from Texas certainly knows and the gentleman from Florida (Mr. SHAW) here knows that unless we do some things of a responsible nature soon, we will have deeper problems in 2014. That is what we ought to be doing. That is what the motion to instruct is all about. Do not have a tax cut today. What we should be debating this week before we go home is Social Security reform. What we ought to be dealing with is Medicare and Medicaid reform. We ought to have the debate on this floor right now dealing with the problems of our hospitals around the country that are saying to me, "Unless you deal with some of our problems by October the 1st, we must close." That is what we ought to be doing.

Really and truly what this motion to instruct is all about is just saying "no" to a tax cut first, let us deal with Social Security, let us deal with Medicare first and then let us bring a tax cut to the floor.

If we would only do that, we would send the kind of message to our children and grandchildren that they need to hear. We should not be spending their future inheritance today based on our desires and all of the wonderful things that we say today. We ought to be paying down the debt so that they will have an opportunity for the same kind of future.

Although a lot of numbers get thrown around in the budget discussions, this is really a debate about priorities and values. This motion to instruct is based on the value that has guided generations of Americans: the value that we should leave our country stronger for children and grandchildren. This motion simply says that meeting our obligations for Social Security and Medicare and first reducing the debt burden on future generations should be a higher priority than current consumption for tax cuts or new spending.

We should put our fiscal house in order before we talk about tax cuts or new spending. We should agree to lock up a substantial portion of the surpluses outside of the Social Security trust fund to pay down national debt and deal with Social Security and Medicare before we start talking about how to carve up the surplus between tax cuts and new spending. How can we talk about having surpluses to spend when we still have a \$5.6 trillion national debt and huge unfunded liabilities facing Social Security and Medicare?

The tax bills passed by the House and Senate do not deal with these obligations and do not reduce the burden on future generations at all. Even if we stick with the lock box and save the Social Security surplus, this will not reduce the total national debt—it just shifts the debt from one part of the ledger to another.

While my Republican colleagues are correct when they say that the lockbox requires us to use the \$2 trillion in Social Security surpluses to pay down the debt held by the public, they forget to mention the rest of the story: that we will be accumulating \$2 trillion in IOUs to the Social Security trust fund at the same time. If the lockbox is successful in requiring us to save future Social Security surpluses, it will prevent us from digging the hole deeper, but it won't do anything about the \$5.6 trillion hole we have already dug for ourselves.

Despite all of the talk about the debt reduction trigger added to the tax bill, the debt left for future generations to pay would not be one dime smaller than the tax bill passed by the House. In fact, the national debt would increase by \$200 billion over the next five years under the Republican tax bill according to their own numbers.

My Republican friends will say that the President's budget will increase the debt as well because his budget uses some of the surpluses for new spending. I agree with much of those criticisms, but that is not what we are talking about today. The motion before us today provides that we should reduce the debt and deal with Social Security and Medicare before we talk about tax cuts or new spending.

The only way to truly reduce burden on future generations is to lock up a significant portion of the non-Social Security surpluses to reduce debt held by public. That is what this motion to instruct calls on our conferees to do.

Paying down the national debt is the most important thing Congress can do to maintain a strong and growing economy with low inflation and providing working men and women with a tax cut in the form of lower mortgages, lower credit card payments, etc. Reducing our \$5.4 trillion national debt will reduce the burden left to future generations by reducing the amount of the federal budget that will be consumed by interest payments.

The motion to recommit will provide an opportunity to begin a bipartisan process to achieve a responsible budget agreement. Members on both sides of the aisle have said they agree with the Blue Dog budget approach of paying down our national debt, dealing with Social Security and Medicare, and then dealing with tax cuts.

Voting for the motion to instruction would send a strong message to the conferees, the leadership in Congress and the President that we are committed to a fiscally responsible, bipartisan budget that is based on the principles of paying down the national debt and dealing with our obligations before agreeing to tax cuts or new spending.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

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

Mr. BERRY. Mr. Speaker, I rise today in support of the motion to instruct on the Republican tax cut bill. This motion will urge conferees to take responsibility and commit to reducing the debt. I am for a tax cut. I think we all are. But not with funny money. We should be sure that we really have a surplus before we commit to these tax cuts, put the budget on a long-term path, take the so-called surplus and

pay down the debt, deal with Social Security and Medicare first, and then talk about tax cuts. Do not spend projected surpluses that may not ever exist and certainly do not exist today.

Let us take this terrible burden of a \$5.6 trillion national debt off our children. Vote for the motion to instruct.

Mr. ARCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Florida is recognized for 2 minutes.

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

In looking at what is before us and the guidelines in which the tax bill that is presently going to conference is drawn, and looking at that in comparison with the motion to instruct, these tax bills, both the House and the Senate, were very carefully drawn and crafted within the budget limitations. I think it is very important for this House to realize that the budget that passed this House and the Senate and, under which this tax bill is tailored, pays down the debt more than the President's budget.

We have heard a lot of rhetoric this afternoon regarding Social Security.

□ 1830

There is a bill, that will be filed shortly, that the people on both sides of the aisle are fully versed in, that is the Archer-Shaw bill that could save Social Security for all time. There is ample money to save Social Security and save Medicare and pay down the debt and give the taxpayers some relief.

The previous speaker, I know he did not mean to be flip, but he talked about funny money. This is not funny money. This is the taxpayers' hard-earned dollars, and I think when my colleagues find that we are moving forward, that we have created a surplus, I think it is important that we not only pay down the debt, which I agreed with, the accumulated debt must be reduced; But I think it is also important that we let the taxpayer keep some of their own money.

This is hard-earned dollars. The taxpayers are paying far too much money today, and when we put all the taxes together that the taxpayers pay, let us reject this motion to instruct, and let us let the conferees go about their task of conferencing this most important bill and give the taxpayers some relief that they so richly deserve.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. KLECZKA) to close the debate on the motion to instruct the conferees.

Mr. KLECZKA. Mr. Speaker, I would like to respond to some of the items that have been brought up in debate. Let me start out by saying I support the motion to instruct, and my Republican colleagues know full well that

after their tax bill is vetoed, we are going to be back to precisely what we are talking about today, a tax cut which would give back about 25 percent of the projected, projected surplus.

My good friend from Florida talks about funny money. The thing that is funny about the money is it is not here yet. I have heard this afternoon Members come up and say, give it back, it is not easy to balance the budget, but we did it. My friends and colleagues, as we close out this fiscal year, the budget is not in surplus, but in a \$5 billion deficit, and for those who say, give it back, we do not have it. It is a projection over the next 10 years based on some very rosy assumptions, very low inflation. One economic downturn, Mr. Speaker, and those dollars will not be here.

In fact, I said it before, and I will say it again. I have a better chance at winning the lottery than this government having a trillion dollars surplus over the next 10 years.

We have had unheralded economic success over the last 4 years. To think it is going to continue for 14 and then for another 10 to make it 24 is totally absurd.

The motion before us says, let us pay down the debt. The gentleman says already we are paying down the debt. If the Congress will go home for 2 years, that debt would be paid down because it is a double counting of the Social Security surplus. Do not kid a kidder. That is going to happen with or without the Congress doing anything.

But what we are saying in our motion is let us take it down even further. It is in excess of \$5 trillion. The Republican tax bill expands all the money and leaves no room for modernizing Medicare. What happens to the extra dollars that are there? We spend it on increase on the national debt. So to say that we are doing Social Security and Medicare is totally false.

The bill will be vetoed. I ask my colleagues to vote for the motion to recommit, vote for the motion to instruct because in October that is exactly what we are going to do any way.

Mr. PACKARD. Mr. Speaker, I would like to express my extreme concern over the President's threat to veto H.R. 2488, the Financial Freedom Act of 1999. This legislation offers nearly \$800 billion in tax relief for America's families, including eliminating the death tax, reducing the marriage penalty tax and capital gains tax, a 10 percent across the board income tax reduction for all Americans.

The President opposes the Financial Freedom Act because he claims this legislation does not secure Social Security. This is false. The fact is, H.R. 2688 leaves more than \$2 trillion for Social Security and Debt Reduction, which exceeds the amount requested in the President's own budget.

Mr. Speaker, tax relief is the right thing to do. H.R. 2688 gives the surplus back to those who created it, the American taxpayer. Over the next ten years, the government will receive an average \$5,307 more in taxes from each American family than it needs to operate. If families continue to overpay the federal gov-

ernment in taxes, Washington will just spend it on more big government programs. Mr. Speaker, it is time we let those who worked for the money spend it as they see fit.

I urge the President to reconsider his position against American taxpayers and support the Financial Freedom Act. Government should do more for its citizens than raise their taxes and feed the federal bureaucracy.

The SPEAKER pro tempore (Mr. MILLER of Florida). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. RANGEL).

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that proceedings will resume immediately following this vote on two motions to suspend the rules postponed from earlier today. The first vote on the motion to suspend the rules and pass H.R. 747 will be not less than 15 minutes in length, followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 1219.

The vote was taken by electronic device, and there were—yeas 205, nays 213, not voting 15, as follows:

[Roll No. 356]

YEAS—205

Ackerman	DeFazio	Jackson (IL)
Allen	DeGette	Jackson-Lee
Andrews	Delahunt	(TX)
Baird	DeLauro	Jefferson
Baldacci	Deutsch	John
Baldwin	Dicks	Johnson, E. B.
Barcia	Dingell	Jones (OH)
Barrett (WI)	Dixon	Kanjorski
Becerra	Doggett	Kaptur
Bentsen	Dooley	Kennedy
Berkley	Doyle	Kildee
Berman	Edwards	Kilpatrick
Berry	Engel	Kind (WI)
Bishop	Eshoo	Klecicka
Blagojevich	Etheridge	Klink
Blumenauer	Evans	Kucinich
Bonior	Farr	LaFalce
Borski	Fattah	Lampson
Boswell	Filner	Larson
Boucher	Forbes	Lee
Boyd	Ford	Levin
Brady (PA)	Frost	Lewis (GA)
Brown (FL)	Gejdenson	Lipinski
Brown (OH)	Gephardt	Lofgren
Capps	Green (TX)	Lowe
Capuano	Gordon	Lucas (KY)
Cardin	Green (TX)	Luther
Carson	Gutierrez	Maloney (CT)
Clay	Hall (OH)	Maloney (NY)
Clement	Hall (TX)	Markey
Clyburn	Hastings (FL)	Martinez
Condit	Hill (IN)	Mascara
Conyers	Hilliard	Matsui
Costello	Hinche	McCarthy (MO)
Coyne	Hinojosa	McCarthy (NY)
Cramer	Hoeffel	McGovern
Crowley	Holden	McIntyre
Cummings	Holt	McKinney
Danner	Hooley	McNulty
Davis (FL)	Hoyer	Meehan
Davis (IL)	Inslee	Meek (FL)

Meeks (NY)	Pomeroy	Stenholm
Menendez	Price (NC)	Strickland
Millender	Rahall	Stupak
McDonald	Rangel	Tanner
Miller, George	Rivers	Tauscher
Minge	Rodriguez	Taylor (MS)
Mink	Roemer	Thompson (CA)
Moakley	Rothman	Thompson (MS)
Mollohan	Roybal-Allard	Thurman
Moore	Rush	Tierney
Moran (VA)	Sabo	Towns
Murtha	Sanchez	Traficant
Nadler	Sanders	Turner
Napolitano	Sandlin	Udall (CO)
Neal	Sawyer	Udall (NM)
Oberstar	Schakowsky	Velazquez
Obey	Scott	Vento
Olver	Serrano	Visclosky
Ortiz	Sherman	Waters
Owens	Shows	Watt (NC)
Pallone	Sisisky	Waxman
Pascrell	Skelton	Weiner
Pastor	Slaughter	Wexler
Payne	Smith (WA)	Weygand
Pelosi	Snyder	Wise
Peterson (MN)	Spratt	Woolsey
Phelps	Stabenow	Wu
Pickett	Stark	Wynn

NAYS—213

Aderholt	Gilchrest	Norwood
Archer	Gillmor	Nussle
Armey	Gilman	Ose
Bachus	Goode	Oxley
Baker	Goodlatte	Packard
Ballenger	Goodling	Paul
Barr	Goss	Pease
Barrett (NE)	Graham	Petri
Bartlett	Granger	Pickering
Barton	Green (WI)	Pitts
Bass	Greenwood	Pombo
Bateman	Gutknecht	Porter
Bereuter	Hansen	Portman
Biggart	Hastings (WA)	Quinn
Bilirakis	Hayes	Radanovich
Bliley	Hayworth	Ramstad
Blunt	Hefley	Regula
Boehlert	Herger	Reynolds
Boehner	Hill (MT)	Riley
Bonilla	Hilleary	Rogan
Bono	Hobson	Rogers
Brady (TX)	Hoekstra	Rohrabacher
Bryant	Horn	Ros-Lehtinen
Burr	Hostettler	Roukema
Burton	Houghton	Royce
Buyer	Hulshof	Ryan (WI)
Callahan	Hunter	Ryun (KS)
Calvert	Hutchinson	Salmon
Camp	Hyde	Sanford
Campbell	Isakson	Saxton
Canady	Istook	Schaffer
Cannon	Jenkins	Sensenbrenner
Castle	Johnson (CT)	Sessions
Chabot	Johnson, Sam	Shadegg
Chambliss	Jones (NC)	Shaw
Chenoweth	Kasich	Shays
Coble	Kelly	Sherwood
Coburn	King (NY)	Shimkus
Collins	Kingston	Shuster
Combest	Knollenberg	Simpson
Cook	Kolbe	Skeen
Crane	Kuykendall	Smith (MI)
Cubin	LaHood	Smith (NJ)
Cunningham	Largent	Smith (TX)
Davis (VA)	Latham	Souder
Deal	LaTourette	Spence
DeLay	Lazio	Stearns
DeMint	Leach	Stump
Diaz-Balart	Lewis (CA)	Sununu
Dickey	Lewis (KY)	Sweeney
Doolittle	Linder	Talent
Dreier	LoBiondo	Tancredo
Duncan	Lucas (OK)	Tauzin
Dunn	Manzullo	Terry
Ehlers	McCollum	Thomas
Ehrlich	McCrary	Thornberry
Emerson	McHugh	Thune
English	McInnis	Tiahrt
Everett	McKeon	Toomey
Ewing	Metcalf	Upton
Fletcher	Mica	Vitter
Foley	Miller (FL)	Walden
Fossella	Miller, Gary	Walsh
Fowler	Moran (KS)	Wamp
Franks (NJ)	Morella	Watkins
Frelinghuysen	Myrick	Watts (OK)
Galleghy	Nethercutt	Weldon (FL)
Gekas	Ney	Weldon (PA)
Gibbons	Northup	Weller

Whitfield	Wilson	Young (AK)
Wicker	Wolf	Young (FL)

NOT VOTING—15

Abercrombie	Frank (MA)	Peterson (PA)
Bilbray	Ganske	Pryce (OH)
Clayton	Lantos	Reyes
Cooksey	McDermott	Scarborough
Cox	McIntosh	Taylor (NC)

□ 1855

Messrs. TANCREDO, VITTER, and LAHOOD changed their vote from "yea" to "nay."

So the motion to instruct conferees was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MCINTOSH. Mr. Speaker, on rollcall No. 356, I was detained at the airport. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. CALVERT). The Chair will announce conferees at a later date.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 747, by the yeas and nays; and

H.R. 1219 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the electronic vote on the second motion to suspend the rules.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 747.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 747, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 357]

YEAS—416

Ackerman	Barton	Boehner
Aderholt	Bass	Bonilla
Allen	Bateman	Bonior
Andrews	Becerra	Bono
Archer	Bentsen	Borski
Armey	Bereuter	Boswell
Bachus	Berkley	Boucher
Baird	Berman	Boyd
Baker	Berry	Brady (PA)
Baldacci	Biggert	Brady (TX)
Baldwin	Bilirakis	Brown (FL)
Ballenger	Bishop	Brown (OH)
Barcia	Blagojevich	Bryant
Barr	Bliley	Burr
Barrett (NE)	Blumenauer	Burton
Barrett (WI)	Blunt	Buyer
Bartlett	Boehler	Callahan

Calvert	Hall (OH)	McNulty
Camp	Hall (TX)	Meehan
Campbell	Hansen	Meek (FL)
Canady	Hastings (FL)	Meeks (NY)
Cannon	Hastings (WA)	Menendez
Capps	Hayes	Mica
Capuano	Hayworth	Millender-
Cardin	Hefley	McDonald
Carson	Herger	Miller (FL)
Castle	Hill (IN)	Miller, Gary
Chabot	Hill (MT)	Miller, George
Chambliss	Hilleary	Minge
Chenoweth	Hilliard	Mink
Clay	Hinchee	Moakley
Clement	Hinojosa	Mollohan
Clyburn	Hobson	Moore
Coble	Hoeffel	Moran (KS)
Coburn	Hoekstra	Moran (VA)
Collins	Holden	Morella
Combest	Holt	Murtha
Condit	Hooley	Myrick
Conyers	Horn	Nadler
Cook	Hostettler	Napolitano
Costello	Houghton	Neal
Coyne	Hoyer	Nethercutt
Cramer	Hulshof	Ney
Crane	Hunter	Northup
Crowley	Hutchinson	Norwood
Cubin	Hyde	Nussle
Cummings	Inslee	Oberstar
Cunningham	Isakson	Obey
Danner	Istook	Olver
Davis (FL)	Jackson (IL)	Ortiz
Davis (IL)	Jackson-Lee	Ose
Davis (VA)	(TX)	Owens
Deal	Jefferson	Oxley
DeFazio	Jenkins	Packard
DeGette	John	Pallone
Delahunt	Johnson (CT)	Pascrell
DeLauro	Johnson, E. B.	Pastor
DeLay	Johnson, Sam	Paul
DeMint	Jones (NC)	Payne
Deutsch	Jones (OH)	Pease
Diaz-Balart	Kanjorski	Pelosi
Dickey	Kaptur	Peterson (MN)
Dicks	Kasich	Petri
Dingell	Kelly	Phelps
Dixon	Kennedy	Pickering
Doggett	Kildee	Pickert
Dooley	Kilpatrick	Pitts
Doolittle	Kind (WI)	Pombo
Doyle	King (NY)	Pomeroy
Dreier	Kingston	Porter
Duncan	Klecza	Portman
Dunn	Klink	Price (NC)
Edwards	Knollenberg	Quinn
Ehlers	Kolbe	Radanovich
Ehrlich	Kucinich	Rahall
Emerson	Kuykendall	Ramstad
Engel	LaFalce	Rangel
English	LaHood	Regula
Eshoo	Lampson	Reynolds
Etheridge	Largent	Riley
Evans	Larson	Rivers
Everett	Latham	Rodriguez
Ewing	LaTourrette	Roemer
Farr	Lazio	Rogan
Fattah	Leach	Rogers
Filner	Lee	Rohrabacher
Fletcher	Levin	Ros-Lehtinen
Foley	Lewis (CA)	Rothman
Forbes	Lewis (GA)	Roukema
Ford	Lewis (KY)	Roybal-Allard
Fossella	Linder	Royce
Fowler	Lipinski	Rush
Franks (NJ)	LoBiondo	Ryan (WI)
Frelinghuysen	Lofgren	Ryun (KS)
Frost	Lowe	Sabo
Gallegly	Lucas (KY)	Salmon
Ganske	Lucas (OK)	Sanchez
Gejdenson	Luther	Sanders
Gekas	Maloney (CT)	Sandlin
Gibbons	Maloney (NY)	Sanford
Gillchrest	Manzullo	Sawyer
Gillmor	Markey	Saxton
Gilman	Martinez	Schaffer
Gonzalez	Mascara	Schakowsky
Goode	Matsui	Scott
Goodlatte	McCarthy (MO)	Sensenbrenner
Goodling	McCarthy (NY)	Serrano
Gordon	McCollum	Sessions
Goss	McCrery	Shadegg
Graham	McGovern	Shaw
Granger	McHugh	Shays
Green (TX)	McInnis	Sherman
Green (WI)	McIntosh	Sherwood
Greenwood	McIntyre	Shimkus
Gutierrez	McKeon	Shows
Gutknecht	McKinney	Shuster

Simpson	Tauscher	Walsh
Sisisky	Tauzin	Wamp
Skeen	Taylor (MS)	Waters
Skelton	Terry	Watkins
Slaughter	Thomas	Watt (NC)
Smith (MI)	Thompson (CA)	Watts (OK)
Smith (NJ)	Thompson (MS)	Waxman
Smith (WA)	Thornberry	Weiner
Snyder	Thune	Weldon (PA)
Souder	Thurman	Weller
Spence	Tiahrt	Wexler
Spratt	Tierney	Weyand
Stabenow	Toomey	Whitfield
Stark	Towns	Wicker
Stearns	Traficant	Wilson
Stenholm	Turner	Wise
Strickland	Udall (CO)	Wolf
Stump	Udall (NM)	Woolsey
Stupak	Upton	Wu
Sununu	Velazquez	Wynn
Sweeney	Vento	Young (AK)
Talent	Visclosky	Young (FL)
Tancredo	Vitter	
Tanner	Walden	

NOT VOTING—17

Abercrombie	Gephardt	Reyes
Bilbray	Lantos	Scarborough
Clayton	McDermott	Smith (TX)
Cooksey	Metcalfe	Taylor (NC)
Cox	Peterson (PA)	Weldon (FL)
Frank (MA)	Pryce (OH)	

□ 1912

Mr. THOMAS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONSTRUCTION INDUSTRY PAYMENT PROTECTION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1219, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 1219, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 358]

YEAS—416

Ackerman	Baker	Bartlett
Aderholt	Baldacci	Barton
Allen	Baldwin	Bass
Andrews	Ballenger	Bateman
Archer	Barcia	Becerra
Armey	Barr	Bentsen
Bachus	Barrett (NE)	Bereuter
Baird	Barrett (WI)	Berkley

Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combust
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes

Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrist
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hookey
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslie
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)

Linder
Lipinski
LoBiondo
LoFgren
Lowe
Lucas (KY)
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Luther
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McDonald
Miller (FL)
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Miller, George
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Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)

Smith (WA)
Snyder
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Spratt
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Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner

Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
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Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
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Young (AK)
Young (FL)

cating liquor, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 417, BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet this week to grant a rule which may limit the amendment process for floor consideration of H.R. 417, the Bipartisan Campaign Finance Reform Act of 1999.

The Committee on House Administration ordered H.R. 417 reported this evening, and is expected to file its committee report on Wednesday, August 4.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 4 p.m. on Wednesday, August 4. Amendments should be drafted to the bill as ordered reported by the Committee on House Administration. Copies of the bill may be obtained from the Committee on House Administration, and is also expected to be posted on that committee's web site.

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

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on further consideration of the bill (H.R. 2206), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes.

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

There was no objection.

REQUEST FOR CONSIDERATION OF S. 1457

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1457) and ask for its immediate consideration in the House.

Mr. OBEY. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair is not able to entertain the gentleman's request at this time.

Mr. SHUSTER. Mr. Speaker, the gentleman from Minnesota (Mr. OBERSTAR), I understand, is reserving the right to object.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is not recognized for that purpose.

NOT VOTING—17

Abercrombie
Bilbray
Clayton
Cooksey
Cox
Frank (MA)
Gephardt
Hastings (WA)
Lantos
McDermott
Moran (VA)
Ney
Peterson (PA)
Pryce (OH)
Reyes
Scarborough
Taylor (NC)

□ 1922

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 987, WORKPLACE PRESERVATION ACT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-280) on the resolution (H. Res. 271) providing for consideration of the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard or guideline on ergonomics, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2031, TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-281) on the resolution (H. Res. 272) providing for consideration of the bill (H.R. 2031) to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxi-

Mr. SHUSTER. May I ask why the gentleman is objecting? Is it in order, Mr. Speaker, for me to ask why the gentleman is objecting?

The SPEAKER pro tempore. Under the Speaker's guidelines, the Chair is not recognizing the gentleman from Pennsylvania for that purpose at this time.

APPOINTMENT OF CONFEREES ON H.R. 2488, FINANCIAL FREEDOM ACT OF 1999

The SPEAKER pro tempore. Without objection, the Chair announces the Speaker's appointment of the following conferees on the bill (H.R. 2488) to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Messrs. ARCHER, ARMEY, CRANE, THOMAS, RANGEL, and STARK.

As additional conferees for consideration of sections 313, 315-316, 318, 325, 335, 338, 341-42, 344-45, 351, 362-63, 365, 369, 371, 381, 1261, 1305, and 1406 of the Senate amendment, and modifications committed to conference:

Messrs. GOODLING, BOEHNER, and CLAY.

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 263 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2606.

□ 1929

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 further consideration of the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes, with Mr. THORNBERRY in the chair.

□ 1930

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 29, 1999, amendment No. 3 printed in part B of House Report 106-269 by the gentleman from Pennsylvania (Mr. PITTS) had been disposed of.

Under the order of the House of that day, it is now in order to consider amendment No. 6 printed in the CONGRESSIONAL RECORD by the gentleman from New Jersey (Mr. ANDREWS).

AMENDMENT NO. 6 OFFERED BY MR. ANDREWS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ANDREWS: Page 116, after line 5, insert the following: PROHIBITION ON FUNDS FOR NEW OPIC PROJECTS

SEC. 585. None of the funds made available by this Act may be used by the Overseas Private Investment Corporation, after the enactment of this Act, for the issuance of any new guarantee, insurance, reinsurance, or financing, or for initiating any other activity which the Corporation is otherwise authorized to undertake.

The CHAIRMAN. Pursuant to the previous order of the House, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 15 minutes.

Does the gentleman from Alabama (Mr. CALLAHAN) seek to control the time in opposition?

Mr. CALLAHAN. Yes, I do, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that my time be halved with the gentlewoman from California (Ms. PELOSI), and that she be given the authority to yield the time for her 7½ minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. ANDREWS) is recognized for 15 minutes.

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

Mr. Chairman, in 1996, this House voted to end welfare as we know it for single moms and for people struggling to raise families across America. This amendment says that it is time for us to end corporate welfare as we know it.

The amendment says that the Overseas Private Investment Corporation, OPIC, will be precluded from initiating new deals, new transactions, with the money that is in this underlying bill. It says that DuPont and General Electric, and McDonald's, and some of the largest corporations in the world, ought to risk their capital in risky international investments, not the capital of the American taxpayers.

Now, I have had the opportunity to outline my views previously on Thursday night, but I want to quickly summarize them before yielding to supporters of my amendment.

We will no doubt hear that this will cause chaos at OPIC. It will not. This amendment does not interfere with the ongoing operation and the wind-down of the entity. It simply says that funds should be used to effectuate that wind-down rather than to initiate new deals.

We will hear that this will have a devastating effect on U.S. investment overseas. Frankly, the huge majority, the immense majority of private investments by U.S. corporations overseas have nothing to do with OPIC. They have to do with the judgments of entrepreneurs and investors in the global market every day.

We will hear that somehow or another this is unilateral disarmament in the war on trade. It is nothing of the sort. It is the recognition that the real engine of international growth for the U.S. economy is not the taxpayers' pockets, but the entrepreneurs taking a risk.

This is one of the few amendments I have ever seen that is supported by Ralph Nader and Milton Freedman. And that is probably all people need to know about why they should support it.

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

Ms. PELOSI. Mr. Chairman, I ask unanimous consent to yield the 7½ minutes that has been yielded to me to the gentleman from New Jersey (Mr. MENENDEZ) and that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) will control the 7½ minutes.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. RANGEL), the distinguished ranking Democrat on the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Chairman, I oppose this amendment. It really puts a damper on American entrepreneurship as we try to transfer technology to the least developed countries that we have in the world.

Recently, this House passed the African Growth and Opportunity bill. It was not just out of compassion that we did it, but we wanted to make certain that we have people that are able to be able to be productive, to have disposable income, to have jobs, to have dignity, and not to be looking for welfare and to be looking for foreign assistance.

What OPIC does is encourage private investment to have partnerships so that we are able to say that all over the world, especially in developing nations, that our great Republic will be able to have meaningful commercial trade relations.

I have been to Africa. I have been there with Eximbank. I have been there with OPIC. I have been there with the State Department. Believe me, OPIC really encourages foreign investment, and we need it now more than ever.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment. While the amendment might make for catchy so-called cost-cutting sound bites, in reality it would significantly hurt U.S. foreign policy, result in a revenue loss for the Federal Government, and cost American jobs and American export opportunities. This amendment has only costs, in my judgment, and no benefits.

First, contrary to some things that have been said, OPIC has contributed \$3.3 billion to deficit reduction and the Function 1050 account. In fiscal year 2000, OPIC anticipates it will contribute approximately \$200 million to deficit reduction. OPIC is self-sustaining and generates an annual increase in funding. If OPIC were eliminated, the budget would lose revenues rather than achieve savings. In fact, this amendment would put the Federal Government \$200 million in the red for just the next year.

Since OPIC's operating costs are covered by user fees, eliminating OPIC does not mean these resources are available for other programs or can be considered as cut spending. There are no millions of dollars in savings as claimed by the amendment's supporters, just lost jobs and export opportunities without any offsetting benefit.

OPIC supports new, high-paying, export-oriented jobs in the United States. More than 237,000 jobs have been created as a result of OPIC-supported projects. In 1998 alone, nearly 7,000 U.S. jobs were created by OPIC projects. Without OPIC, it is estimated that 70,000 job opportunities could be lost in the next 4 years.

To those who express concern about OPIC supported investment abroad luring jobs away from America to foreign countries, this Member recommends they examine closely what kind of investments OPIC is supporting and what kind of so-called foreign jobs are being created. The United States cannot supply raw electric power to Egypt. We can supply American-made power generating equipment and services. How is selling power generating equipment and years of spare parts and services taking jobs away from Americans? If we don't sell the Egyptians these power plants, the Europeans, Japanese, Canadians, or other foreigners will.

The United States does not grow tea. Therefore, how does investing in a tea plantation in Rwanda steal American jobs? Indeed, it supports U.S. jobs insofar as that tea operation needs tools, machines, trucks and other services—and these are products and services made by American labor.

The United States is not home to the great African savannah and giraffes, lions, zebras, and baboons are not native wildlife. Therefore, how does supporting the eco-tourism industry in Botswana by investing in new hotels and tour operations take away American jobs? On the contrary, this development requires all kinds of infrastructure, construction materials, furnishings, vehicles, and services—these goods and services Americans produce and sell.

OPIC-backed projects around the world are U.S. small businesses. Over the next 4 years it is estimated that OPIC projects will generate \$23 billion more in America exports. \$6 billion

of those exports are to be from over 150 American small businesses.

OPIC has proven itself to be a successful supporter of American foreign policy. OPIC mobilizes private sector investment in support of U.S. foreign policy at no cost to the American taxpayer. The Andrews amendment would mean no support for U.S. investment in high priority foreign policy areas. It would eliminate an estimated \$9 billion in increased trade and investment with Sub-Saharan Africa, \$4 billion in Central America and the Caribbean, and \$8 billion for development of Caspian Sea energy resources.

Since 1971, OPIC supported projects which have resulted in the export of \$58 billion of American products. More than \$2.8 billion in American exports were generated by OPIC supported projects in 1998 alone.

With respect to the Andrews-Sanders-Sanford amendment, I would have to say that it hurts American competitiveness and benefits our foreign competitors. Most of our developing nations, like France, Germany and Japan, offer a comprehensive array of export and overseas investment support. They clearly understand the importance of such programs in supporting jobs and economic growth at home. The U.S. spends less per capita, as a percentage of GDP, and in dollar terms on supporting private sector investment in developing countries than any other major competitor country.

Mr. Chairman, the support OPIC provides is not corporate welfare and has not eliminated American jobs as the "Dear Colleague" letter circulated recently complained. Caterpillar was cited. It makes tractors in Illinois, and that is the epitome in Peoria of an American city. The Member, I suspect, would be surprised to find among the Caterpillar workers any of them who believe they are fat cats.

These are hard-working Americans. OPIC helps promote the sale of the tractors they make at no cost to the American taxpayer. Given the significant support foreign competitors receive from their governments, without OPIC, America's Caterpillar is in many instances at a real disadvantage to Japan's Komatsu or Korea's Hyundai. Let us not ignore the consequences—ultimately, this Amendment benefits foreign competitors like Komatsu at the expense of American workers in all 50 states.

Mr. Chairman, in response to the charges by some OPIC critics that OPIC is not even authorized, this Member would remind his colleagues that the House International Relations Committee, the appropriate authorizing body, has already considered and marked up a new reauthorization for OPIC. This legislation is pending on the Union Calendar.

Mr. Chairman, I urge opposition to the Andrews amendment.

Mr. ANDREWS. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SANFORD), one of the co-authors of this amendment and a person who has been very diligent about cutting costs for the American public.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me this time. I support this amendment

and am, indeed, a cosponsor on this amendment because it makes sense to the United States taxpayer.

This amendment is not about the inefficiency of OPIC. As government organizations go, it is quite efficient. It is not about the management. It has a good management. I have met with George Munoz, who is head of OPIC. The issue that this amendment gets to is not is OPIC able to handle the mandate that it has been given, but rather is that mandate in the best interest of the United States taxpayer. And I think if we look under the hood on this, we would come to the conclusion that no is the answer.

First, Mr. Chairman, there is a financial risk to the U.S. taxpayer with OPIC. OPIC was given a billion dollars of seed money in 1971 when OPIC was begun, and yet if we look, since 1971 there has not been, for instance, a world war. These loans or guarantees are backed with the full faith and credit of the United States Government. If there was a war, we would see the cost to those guarantees. There has not been a global depression since 1971. If there was a severe economic downturn, we would see the cost to those guarantees.

In fact, if we look in Brazil, where there is \$1.9 billion of taxpayer exposure, OPIC itself has said that fully half of their portfolio could be affected by the crisis there. The same could be said, for instance, in Russia. So, one, there is a contingent liability that goes back to the United States taxpayer. Two, there is a direct cost.

With the money that was originally provided, interest is earned on that money. And if we look at the income statement of last year, \$139 million was the net income and \$193 million came as a result of these interest payments. That leaves a loss of \$54 million.

Admittedly, \$54 million is not a lot of money in Washington, but back home that is a lot of money. In fact, I did a back-of-the-envelope calculation, and it would take 13,500 taxpayers, average taxpayers, working and paying taxes for a full year, to send Washington \$54 million.

Third consideration is that it does cost American jobs. And that is not my opinion or the opinion of the gentleman from New Jersey (Mr. ANDREWS). That is the opinion of Time magazine. They did a three-part series on corporate welfare. What they found was, for instance, a \$29 million loan guarantee for Levi Strauss and Company to build a manufacturing plant in Turkey, while, at the same time, the Labor Department was handing out unemployment and training benefits for 6,400 American workers who had been laid off in 11 American plants with Levi Strauss and Company. The point of that article was saying that the two were directly correlated.

Finally, I would just make mention of the fact that this changes markets. If we change a market, we change where an investment can be made. And

so what we are doing is subsidizing development off our coast. And as well, what we are doing is preventing a marketplace from developing with other insurers.

This is a need that needs to take place, but it could be easily handled by the Lloyds of London, who are not in this business right now because OPIC is.

Mr. MENENDEZ. Mr. Chairman, I yield myself 2¼ minutes.

First, let me thank the distinguished gentlewoman from California (Ms. PELOSI), the ranking member of the committee, for yielding me this time.

I join my colleague the gentleman from New Jersey (Mr. ANDREWS) in saying that I am against corporate welfare, but this, the subject of his amendment, is not about corporate welfare. It is hard to understand how anyone can object to a program that returns money to the U.S. Treasury while at the same time furthering our foreign policy goals and helping to increase foreign investments and exports overseas.

Last year, OPIC earned a profit of \$139 million. And in fiscal year 2000, OPIC will contribute an estimated \$204 million in net negative budget authority. In fact, OPIC has had a positive net income for every year of operation with reserves now totaling \$3.3 billion.

All that we do through the appropriation process is to allow OPIC to spend money that it has already earned to cover its administrative costs. We do not save money for the taxpayers by cutting OPIC's appropriations. In fact, quite to the contrary. By supporting this amendment, we will forfeit an estimated over \$200 million in net budget authority for the next fiscal year.

At a time when Congress is trying to adhere to the constraints of a balanced budget, OPIC stands apart as a revenue-earning program. And at a time that we are facing record high trade deficits, we need to be looking at ways to expand our export promotion programs, not contract them.

More American exports mean more American jobs. More than 237,000 American jobs have been created as a result of OPIC's supported projects. In our home State of New Jersey, OPIC has provided over \$1 billion in financing and insurance, generating \$3 billion in U.S. exports and creating over 10,000 jobs.

We should not be so shortsighted. We live in a global economy and only those who can compete will succeed. This is not corporate welfare. OPIC is one of the ways that we ensure that American companies and American jobs thrive in the next century. We cannot afford to be so naive as to believe that American companies, large and small, can compete without this type of support when their competitors have the full economic and diplomatic support of their governments.

Mr. Chairman, I urge my colleagues to oppose the Andrews amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. MANZULLO).

□ 1945

Mr. MANZULLO. Mr. Chairman, we have OPIC because there is no private sector that can fill that gap. Lloyds of London, nobody could come in and fill that gap.

In fact, OPIC has been partnering with Lloyds of London on being able to come up to a relationship whereby part of this type of insurance can be privatized. The reason we need OPIC is so that we can be on an even keel with our exporting partners around the world.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Vermont (Mr. SANDERS), one of the coauthors of the amendment with a leading voice for progressive issues in America.

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

Mr. Chairman, I strongly support this amendment, which would strike a good blow against the \$125 billion a year we are currently spending on corporate welfare.

My, this is a strange debate. I am hearing conservative Republicans tell us they believe in government insurance. This is what it is.

Now, it is interesting, however. This is not government insurance for middle-class homeowners. This is not government insurance for those people who are paying outrageous premiums for automobile insurance. No, no, no. We do not get government insurance for that.

But if they are J.P. Morgan, they can get government insurance for a \$200 million investment in an oil field in Angola. If they are Texaco, they get government insurance for \$139 million for investment of a power generating project in the Philippines. If they are the Chase Manhattan Bank, they get socialized insurance.

Here we have conservative Republicans, corporate Democrats telling us government insurance for the multinationals. I think that that is pretty strange.

Mr. Chairman, it seems to me that we should note that in Indonesia right now OPIC officials are in that country, and they are in that country because the government there is suggesting that an American-backed company may not be able to make as much money as they wanted; and if that in fact takes place, it is going to be the American taxpayer through OPIC that bails out that particular company that invested in Suharto's dictatorship.

Mr. Chairman, another disturbing aspect of this situation is that the United States Government is providing financial incentives to the largest corporations in this country to invest abroad.

Now, some of us think that it would be a very good idea for these corporations that are investing tens of billions of dollars abroad to maybe bring that investment back to the State of Vermont and other States around this country to put our people to work at decent paying jobs.

I hear our friend say that OPIC makes money, OPIC makes money. Well, if OPIC makes money, then maybe we better think about government insurance in other areas. And I would yield right now to any person who is opposing the Andrews amendment to tell us that they are prepared to support government insurance for homeowners, government insurance for automobile people who need automobile insurance.

Are they in favor of that, Mr. Chairman? Not. I ask the gentleman from New Jersey (Mr. MENENDEZ).

Only government insurance for the large multinational corporations. Let us stop corporate welfare. Let us support the Andrews amendment.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. GEJDENSON), ranking Democrat of the Committee on International Relations.

Mr. GEJDENSON. Mr. Chairman, I would join my friend from Vermont (Mr. SANDERS) in having universal health coverage, but that is not the debate today. The debate today is whether this program helps or hurts Americans and American workers.

I would argue that \$52 billion in exports that OPIC facilitated helps American workers, that almost \$3 billion in the U.S. the Treasury in fees from these corporations, not welfare, but charges to these corporations giving us profits in every year that OPIC has operated in, \$20 million in 1970, in excess of \$200 million in 1997, and even during the Asian financial crisis \$138 million, and anticipated back over to \$200 million next year.

What this does is help American jobs, helps us export manufacturing, helps America's international national foreign policy get executed. It is cheaper than a Marshall Plan and it helps American jobs.

The gentlemen who are opposing this amendment have good intentions, but they are dead wrong.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

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

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

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey prohibiting OPIC from supporting any new investment projects.

This amendment would not only close down any future OPIC investments in Africa, but it would eliminate billions of dollars of OPIC-related hurricane assistance for Central America and the Caribbean. The adoption of this amendment would prevent billions of dollars of future U.S. exports from ever taking place. Thousands of jobs now held by American workers would be

lost, and millions of dollars in tax revenue would be unavailable to our States and local communities.

Since its inception in 1971, OPIC generated over \$58 billion in U.S. exports, created more than 237,000 jobs. It operates on a self-sustaining basis and actually provides funding authority to pay for the humanitarian development and anti-narcotics programs contained in the legislation we are now debating.

Accordingly, I urge my colleagues to oppose the Andrews amendment.

Mr. ANDREWS. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Alabama (Mr. BACHUS).

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

Mr. BACHUS. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, let me just make one thing very clear about OPIC making money. OPIC holds government bonds. The Department of the Treasury of the United States then pays interest on the government bonds.

So when we talk OPIC making profit, the profit is being paid for by taxpayers to an organization that holds government bonds. It has nothing to do with making money or having a profit.

So let us just be clear about the fact that we use this terminology carefully. We know this is a very tough fight here because it is right at the heart of subsidies to the most powerful, and we understand that it is hard to win that. But I think it is very important that when we have this debate that we be clear about it.

I am not suggesting for a second that anybody is trying to distort the truth. We have just got to get the facts about what profits are all about. It is not about any government operation making money in the marketplace. It has to do with taxpayers giving them money that then gets scored as extra money, which some call profits. That is in error. So we ought to be clear about what this organization actually does.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I would say, as chairman of the Subcommittee Domestic and International Monetary Policy, I would join the chairman in his assessment on the profit it makes.

Now, we have heard that OPIC helps American workers, and we have heard that it hurts American workers. I want to focus on that one claim.

Let us look at one of these transactions. In 1997, OPIC financed the building for Levi Strauss of a garment-making factory in Turkey, a \$29-million guarantee, because they did not want to finance it themselves and private insurers would not do it.

Well, what happened when Levi Strauss built that factory? They laid off 6,400 workers at U.S. garment-making factories in 11 locations in the United States.

Now, do my colleagues think that those 6,400 employees, if any of them are listening today, that they will buy this argument that we are creating jobs? We lost those jobs. And not only

did we lose those jobs, but the Labor Department had to go in, and let me tell my colleagues what they had to do. They had to provide unemployment assistance, and they also had to provide trade adjustment assistance because of the Levi Strauss factory which had been built in Turkey, financed by OPIC.

I strongly urge support of this amendment.

Mr. CALLAHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

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

Mr. Chairman, I rise in opposition to the amendment.

As the gentleman from New Jersey (Mr. MENENDEZ) and others have talked about, we are in a global economy. OPIC does open markets. OPIC has helped create jobs in this country. And OPIC charges premiums. OPIC charges premiums.

One of the big criticisms of OPIC is that the premiums are too high and that is why they have \$3.3 billion in reserves. Now, if the premiums are too high and the private sector would be interested in going into these areas, why is it not there?

OPIC fills a void that the private sector will not go into if OPIC is eliminated. They will go into troubled countries. They go into countries that insurance companies of a private nature will not go into. These premiums have generated \$139 million last year. They are expected to generate \$200 million this year.

OPIC's claims because of the way OPIC is funded become a priority whenever these troubled countries try to re-establish relationships with the United States.

No private company would have that great advantage in settling claims. That is why OPIC does not lose money. That is why OPIC does encourage trade. That is why OPIC works. That is why the private sector will not replace it if it is eliminated.

I urge my colleagues to vote against this amendment.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Chairman, I rise in strong support for this amendment. If it were true that this agency is profitable, we would not be here. They would be making profit, and OPIC would not need to come here every year.

They are asking for \$55 million. Where does the profit come from? It was stated earlier very clearly; from the interest they earn. They have a portfolio of \$3 billion of U.S. securities.

But these did not reduce the national debt. That is part of the national debt.

We pay interest on that \$3 billion. And this agency gets \$194 million from it, four times the amount of the requested appropriation.

No wonder on paper it looks profitable. And they say, well, the private companies will not insure some of these projects. That means it is probably risky. Why should the taxpayer assume the risk? Why should these corporations be protected with this corporate welfare?

This is the reason why jobs are exported at a cost to the American taxpayer. It is bad economics. And it is a lot of twisting of the facts if we call this agency profitable at the same time they are getting \$194 million that we barely talk about.

How many other agencies of government get interest like this? This is almost a government unto itself, the fact that it has that much financing without even a direct appropriation because it is paid out of the interest budget.

This is indeed a very important amendment. I believe that we should definitely vote for this. If we care at all about the taxpayer of this country, we should expose what is happening with corporate welfare.

The little people are not coming to us today begging us to vote against this amendment. It is the corporations, the giant corporations, not our small mom-and-pop businesses. They are not coming and saying, please, please protect OPIC. No, it is the giant corporations that have been able to manipulate and get benefits from programs like this.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) has 2 minutes remaining. The gentleman from New Jersey (Mr. ANDREWS) has 2 minutes remaining. The gentleman from New Jersey (Mr. MENENDEZ) has 3½ minutes remaining. The gentleman from Alabama (Mr. CALLAHAN) has the right to close.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Chairman, the reason why we have this insurance program is the same reason why we have the HUD insurance program for homeowners in this country, low-income homeowners, because the marketplace does not provide for it, just as my colleague from Missouri just said.

The other reason we have this program is because our trading partners around the world do this and do it a lot more. So if we are to pass this amendment and unilaterally withdraw from being a competitive trading Nation, we will only drive up the imports in this country, drive down the exports from this country, and cost Americans jobs.

By passing this amendment, we will not do anything to bring capital back into this country. OPIC is used in my district where we have companies that are looking for new markets to get into.

The Stewart & Stevenson Company builds turbine engines and then sells them throughout the world. And when they sell more engines, they hire more Americans to build them in my district.

□ 2000

That is what this is about. So if you want to try and find some pure philosophy that only the United States is going to do, it will be at the expense of the American worker.

Mr. MENENDEZ. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I rise today on behalf of small business owners and workers in my home State of Oregon and in opposition to the amendment offered by the gentleman from New Jersey (Mr. ANDREWS). This amendment to abolish OPIC would damage the efforts of Oregon's small businesses in emerging markets overseas. In Oregon, OPIC has financed and insured projects worth \$27 million. These efforts have generated over \$33 million in Oregon exports. Many new jobs come through businesses that supply goods and services to projects insured or financed by OPIC, businesses like Hyster Sales Company in Tigard, Oregon, and Interwrap Industries in Portland, Oregon.

OPIC helps level the playing field for American businesses of all sizes which compete for overseas projects. OPIC offers American businesses essential risk insurance for their investments in high-risk emerging markets. It provides temporary financing for investments when private sector support is lacking.

But OPIC does all of this in a fiscally sound manner. Customers which benefit from OPIC repay the full principal amount.

I urge my colleagues to vote "no" on the Andrews amendment.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a very articulate freshman Member.

Mr. TERRY. Mr. Chairman, I rise in support of the Andrews amendment. I am not debating whether or not it is corporate welfare, but I want to talk about how OPIC must get its own house in order first as I lack confidence in this program.

I am going to tell my colleagues a story about a company in my district, Mid-American Energy, who has been working with OPIC, had used OPIC to build a power plant in Indonesia.

The government did a bait and switch. They put in a claim. Now they are pursuing to recover this lost investment. In May 1999, OPIC required an arbitration. Mid-American won in the United Nations Commission on International Trade Law, 3-0.

What next? OPIC said, "That's not good enough. We need you to do it again. We want you to go somewhere else for another arbitration."

When OPIC loses this time, will they change the rules again? Will they re-

quire this company to go three out of five arbitrations?

Mr. Chairman, Mid-American has followed OPIC guidelines. Now it must fulfill its obligations. I urge the support of this amendment.

Mr. MENENDEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. DAVIS).

The CHAIRMAN. The gentleman from Illinois is recognized for 1 minute.

Mr. DAVIS of Illinois. Mr. Chairman, I am opposed to corporate welfare. I am opposed to giving away taxpayers' money. I am even opposed to fattening fat cats. But I am not opposed to stimulating business growth and development in sub-Saharan Africa, the poorest region of the world. I am not opposed to saying that in order to facilitate the development of opportunity in areas that unless there was some private investment, nothing would happen. And so while generally I would be on the other side of an issue like this one, but because of the need in areas of the world for business development, I find myself in opposition to this amendment because I want to see Africa have an opportunity to grow and develop, and I support investment in countries like sub-Saharan Africa. I oppose the amendment.

Mr. Chairman, I rise in strong opposition to this amendment to prohibit any funds for new projects by the Overseas Private Investment Corporation. Cutting OPIC's administrative budget will hurt our nation's 22 million small businesses who export directly or by contract to other countries.

Specifically, cutting funds would cut what little business assistance sub-Saharan Africa, the poorest region of the world receives.

During this decade OPIC has increased its effectiveness in helping Africa. For instance, OPIC has currently four privately managed investment funds available to support investment in Africa. These programs focus on mining, manufacturing, broadcasting, information technology and I hope to see soon healthcare.

The point I am trying to make here is that if we cut OPIC'S budget we would hurt small business, decrease our nation's exports, and cut jobs. For the past three years, OPIC's budget has been effectively frozen. We already have this organization working on a shoestring budget.

OPIC is not a giveaway program, it is not a subsidy and it is not general assistance. It is not corporate welfare. This is an investment and I might add, an investment that is paying off. OPIC projects have generated \$58 billion in U.S. exports and created more than 237,000 U.S. jobs.

I must confess that I am at a loss to understand how or why we would want to cut funding for an effort that is producing results, and effectively carrying out its mission. Why would you cut the budget on an agency whose budget is funded from user fees? Why prevent new investments? Why eliminate \$9 billion in trade and investment in sub-Saharan Africa? Why eliminate \$4 billion in hurricane rebuilding resources in Central America and the Caribbean? Why undercut private sector rebuilding initiatives for the war torn Balkans? There is no reason to, and there is no reason to support this amendment.

Mr. Chairman, I have always been told, if it ain't broke, don't fix it!

OPIC is not broke, let's not try to fix it.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time. I appreciate the opportunity to summarize our point of view in the debate. I share with my friend from Illinois a real desire to develop Africa and other less developed areas. I just think we should do it openly and directly and not through the Trojan horse of corporate welfare which I believe is what OPIC is.

Here is what OPIC really says. If someone wants to build a plant or a factory in New Jersey or Oregon or Texas, they are on their own, they have to go to a bank and take a risk and borrow the money themselves. But if they want to build the plant in a foreign country, another continent, then the United States taxpayers, if they are big enough and powerful enough, will have to reach into our pockets and subsidize it. The idea of us subsidizing these operations is wrong.

Let us end corporate welfare as we know it and support this amendment.

Mr. CALLAHAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that I know the distinguished gentleman from New Jersey is well-intended in his beliefs, but I do believe him to be absolutely wrong.

He mentioned the fact that plants have already spent their own money in his home State without government assistance, which is wrong to begin with, but the plants that are already there, like AT&T, like Berger International, like Schick, like Johnson & Johnson, Nabisco, Squibb and Ingersoll-Rand are all using OPIC, and I am sure that the thousands of employees who are benefiting from the fact that they are exporting the products could probably convince their fellow New Jerseyan that he was making a mistake.

The same with the gentleman from Alabama who stood up and talked about it. Yet in his hometown of Birmingham, Alabama, Mr. Chairman, they utilize OPIC more than any other city in the entire State. But the good thing about that is they ship those products through the port of Mobile and enhance the ability of the people in my district to benefit from exporting these products.

They say OPIC is not really making any money and how the books say that, but OPIC is making \$200 million a year, period. That is the fact. They are not losing money. It is true that when our countries go now into a foreign country, they are on a leveled playing field with all of the other industrialized nations because all of the other nations have similar programs. These are insurance programs that for the most part insure that if the government expropriates all of the properties there, that OPIC, the United States of America, will guarantee payment to the bank from which most of this money comes from for their guarantees.

This is not corporate welfare. This is a sensible export program that is vital to American industry. I would urge my colleagues to vote "no" on the Andrews amendment.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. CALLAHAN. Mr. Chairman, is it the Chair's understanding that after this vote, there will be no more votes tonight, that the rest of the amendments that we debate tonight will be carried over until tomorrow so that this would be the last vote of the night?

The CHAIRMAN. The gentleman is correct. Under the rule the Chair has the authority to postpone votes on amendment and intends to do so after the vote on the Andrews amendment.

Mr. CALLAHAN. Mr. Chairman, I would urge my colleagues to vote "no" on this last amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in opposition to the Andrews amendment and in support of the Overseas Private Investment Corporation, or OPIC.

Let me tell you what OPIC has meant to companies, large and small, in my state of New Jersey. With the help of risk insurance provided by OPIC since the program began, New Jersey companies have generated \$3 billion in exports which supported 10,000 jobs.

I hope my colleague from New Jersey will take note of the companies from New Jersey who needed OPIC insurance in order to sell their products abroad and thus support jobs here at home in our state of New Jersey.

Many New Jersey companies have benefited from OPIC financing and insurance. They include, among others, Copelco Capital of Mahwah, Croll Reynolds Co. of Westfield; Engelhard Pollution Control of Iselin; Guest Supply Inc. of Monmouth Junction; H.W. Baker Linen Co. of Mahwah; Ingersoll-Dresser Pump Co. of Liberty Corner; Ingersoll-Rand of Woodcliff Lake, ITT of Midland Park; Maersk Inc. of Madison; Regal International of Closter.

And what have these companies been able to do with OPIC Insurance? Let's just talk about some of the small New Jersey companies that have benefited. Misco America from Holmdel supplied products for a project in Ethiopia; Casale Industries from Garwood was involved in an electrical service project in Turkey; GAR International from Red Bank was a supplier for the privatization of a copper mine in Peru.

So, again, I hope my colleague from New Jersey takes note of the importance of OPIC to New Jersey companies, large and small, and their employees.

OPIC is a key component in our efforts to open up markets all over the globe to U.S. products and services.

Again, Mr. Chairman, I urge my colleagues to oppose this amendment and support OPIC.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 315, not voting 15, as follows:

[Roll No. 359]

AYES—103

Andrews
Archer
Armey
Bachus
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Berkley
Bono
Brown (OH)
Burton
Campbell
Cannon
Chabot
Chenoweth
Cohen
Coburn
Collins
Condit
Cox
Crane
DeFazio
DeMint
Dickey
Doolittle
Duncan
Ehrlich
Evans
Farr
Fletcher
Goode
Goodlatte

Ackerman
Aderholt
Allen
Baird
Baker
Baldacci
Ballenger
Barrett (NE)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cook
Costello

Graham
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Hunter
Jones (NC)
Kanjorski
Kaptur
Kasich
Kingston
Kucinich
Largent
Linder
Lipinski
LoBiondo
Luther
McInnis
McIntosh
McIntyre
McKinney
Metcalfe
Mica
Miller (FL)
Miller, George
Myrick
Nadler
Norwood
Obey
Pascrell

NOES—315

Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling

Paul
Pease
Peterson (MN)
Petri
Pombo
Ramstad
Rangel
Rivers
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Sanders
Sanford
Schaffer
Sensenbrenner
Shadegg
Smith (MI)
Souder
Stark
Stearns
Strickland
Stupak
Sununu
Tancredo
Terry
Tierney
Toomey
Traffant
Visclosky
Wamp
Woolsey

Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Larson

Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Olver

Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pelosi
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)

Abercrombie
Billbray
Cooksey
Frank (MA)
Gephardt

NOT VOTING—15

Hall (OH)
Lantos
McDermott
Peterson (PA)
Pryce (OH)

□ 2028

Mr. WATKINS and Mr. EVERETT changed their vote from "aye" to "no." Mr. FLETCHER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHERWOOD. Mr. Chairman, on rollcall No. 359 I was inadvertently detained. Had I been present, I would have voted "no."

□ 2030

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word in order to enter into a colloquy with the gentleman from Georgia (Mr. DEAL).

Mr. Chairman, the gentleman from Georgia has a very serious problem that he brought to the attention of the committee. When we went to the Committee on Rules, we found that probably it would be better suited in the bill of the gentleman from Kentucky (Mr. ROGERS) which is to come up later on this week.

In any event, the seriousness of the problem in Georgia actually impacts all others. I thought that we could enter into this colloquy with the gentleman from Georgia (Mr. DEAL) so

that he might explain the problem, so in the event that the measure cannot be handled successfully in the Commerce, State, Justice bill, that we may consider it in conference.

I would like yield to the gentleman from Georgia (Mr. DEAL) to explain the problem and his request.

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

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

Mr. DEAL of Georgia. Mr. Chairman, as the chairman indicated, we have a serious problem in this country with regard to individuals who are noncitizens who have been arrested for serious felonies and have been ordered deported.

They are then in the custody of the Immigration and Naturalization Service pending the acceptance back by their country of their citizenship. Unfortunately, we have many countries, well over 100 countries now, who have either refused to accept their citizens back or are unduly delaying the process of accepting them back, over 3,300 people, and we are adding approximately 60 every month to this list. These are individuals who are having to be detained in our Federal detention facilities at a cost of about \$67 a day, and the cost on an annual basis is somewhere in the neighborhood of about \$80 million.

My amendment would have addressed that by simply saying to those nations, many of whom do receive assistance under this particular bill, that they would not be able to receive that assistance unless they cooperated, which is the responsibility and the comity of nations to accept your citizens back once they have been ordered deported from another country, and that that would be a condition for their receiving assistance under this bill.

As the chairman has indicated, unfortunately, we did not receive the waiver from the Committee on Rules, but it is a serious problem, not only in my district, but in many other parts of the country. We cannot criticize the INS for not issuing deportation orders when we run into the problems of these over 100 countries who refuse to cooperate with that deportation process.

I want to thank the chairman for his cooperation in making the matter a matter before the House tonight. I appreciate his cooperation and look forward to working with the gentleman as we approach the Commerce, Justice and State appropriation, as hopefully we can find wording that will address the issue there. I also appreciate his willingness that if we are not successful there, to continue to work with us to find a solution.

I think the American people expect when we order a person deported, that their country will accept them back, and, if they do not, that they should not expect to receive foreign aid at the same time they are costing the American taxpayers over \$80 million a year.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I would also say I

believe this is the law of the land anyway. It is my understanding we are just not adequately enforcing it; that the State Department and the Justice Department have the authority already to enforce this, and yet they are failing to do so. It is an issue that needs to be addressed by this Congress, and I am very appreciative of the gentleman from Georgia for bringing it to our attention.

AMENDMENT OFFERED BY MR. BURTON

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana:

Page 116, after line 5, insert the following:
SEC. . Of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE", not more than \$33,500,000 may be made available to the Government of India.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentleman from Indiana (Mr. BURTON), and a Member opposed each will control 25 minutes.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the Burton amendment and claim all time in opposition to the Burton amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) will control 25 minutes.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent to yield half of the time allocated to me to the gentleman from California (Ms. PELOSI), and that she be allowed to control said time.

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

There was no objection.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman for yielding me time.

Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New York (Mr. ACKERMAN), and that he be allowed to control said time.

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

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. BURTON) is recognized.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our foreign policy in our country has been concerned about human rights violations around the world for a long time. However, Mr. Chairman, we have been concerned about human rights around the world on a very selective basis in this country.

Recently we were in Yugoslavia, in Kosovo, trying to help the people who were being persecuted on both sides, and there were about 10,000 deaths in Kosovo. In Haiti, we sent in our troops

a few years ago, and there were only a few hundred people killed, and it cost us probably several hundred million dollars to have our troops down there, but we thought it was a good cause in this country. Yet in places like the Sudan, where 2 million people have been killed, 2 million, in the struggle for freedom, we have not done a thing. Our role is almost nonexistent.

In other parts of Africa, Rwanda, Burundi and Burma, where thousands and thousands, hundreds of thousands of people have been killed, we have not done a thing. We do not even talk about it.

In a place called Kashmir, where there are half a million Indian troops occupying that area, women are being gang raped and men are being tortured and killed. Amnesty International calls the policy of the Indian government "An official policy sanctioning extrajudicial killings," and we do not even talk about it.

In Punjab, since 1984, the last 14 to 15 years, a quarter of a million, 250,000 Sikhs, have been killed, not to mention those who have been tortured and maimed. In Kashmir, since 1988, a mere 10 years ago, 60,000 Muslims have been killed. Thousands of so-called untouchables, Dalits, the blacks in India, have been killed.

As result of some of these problems, there is a conflict going on on the border between India and Pakistan that could lead to a real problem for that part of the world, and, yes, the whole world itself, because both of those countries have nuclear weapons. According to our own State Department, India paid over 41,000 cash bounties to police for killing innocent Sikhs between 1991 and 1993. In July of 1998, police picked up Kashmir Sing, a man in Punjab. They said they arrested him for theft. Then they tortured him for 15 days. They rolled logs over his legs so he could not walk. They submerged him in a tub of water and slashed his thighs with razor blades and put hot peppers into the wounds.

Sikhs are routinely found floating dead in canals with their hands and feet bound together. One thousand cases of unidentified bodies were cremated not too long ago by the military.

Of course, I talked to you about the Muslim persecution in Kashmir where there are 500,000 troops. Women are gang raped while their husbands are forced to wait outside at gun point. The Christian persecution, since Christmas Day of 1998, there has been a wave of attacks on Christian churches, prayer halls, schools, including the murder of priests, one of which was beheaded.

Our State department agrees. They said, "There was a sharp increase in attacks against Christians just last year." Some of the things that are going on I cannot even talk about. They parade Dalit women, the blacks, around naked, and they are gang raped as well in many cases.

The State Department report on page 22 says, "The Human Rights Commission is prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces." They are talking about the Human Rights Commission in India. They are specifically prohibited by statute from directly investigating allegations of abuse involving the army and paramilitary forces.

The human rights organizations around the world, such as Human Rights Watch says, "Despite government claims that normalcy has returned to Kashmir, Indian troops in the state continue to carry out summary executions, disappearances, rape and torture." This report was written in July of 1999, this year.

Methods of torture include severe beatings with truncheons, rolling a heavy log on the legs, hanging the detainee upside down, and the use of electric shocks. Indian security forces have raped women in Kashmir during search operations.

I can go on and on.

Amnesty International, another human rights group says, "Torture, including rape and ill-treatment continue to be endemic throughout the country." This is in their annual report, 1999. "Disappearances continue to be reported during the year, predominantly in Punjab and Kashmir," 1999. "Hundreds of extrajudicial killings and executions were reported in many states, including Kashmir and Punjab," 1999, this year.

I talk about this year after year after year. My colleagues who defend India's government policies keep coming down saying, "Oh, well, it is a big country, the second biggest in the world. We have to keep those economic doors open. We have got to make sure that we do business with them."

Well, okay, let us do business with them, but let us at least send them a signal, send a little-bitty signal to them that these kinds of atrocities cannot be tolerated, should not be tolerated. \$11 million cut from our foreign aid to India is a drop in the bucket. They are getting foreign aid from all over the world. So if we cut them by a mere \$11 million, one-fourth of the developmental aid we are going to give them, to send a little signal that they should stop these human rights abuses, is that wrong? I think not.

But if the persecution of these people were not enough, let me talk to you about something else, something that I think is extremely important that we have not talked about for a while.

Last week, my colleagues who support these atrocities in India by not sending them a signal, last week the Indian oil minister attempted to circumvent the United Nations embargo on Iraq by extending a \$25 million loan to Iraq in a deal that knowingly violated, or were going to knowingly violate the U.N. trade sanctions imposed on Iraq for invading Kuwait in 1990. It was not until international pressure

was put on India that they reluctantly bowed and complied with the U.N. rules governing these transactions.

India's minister of oil and gas said, granted his agreement would violate U.N. sanctions, but he said his country would never allow a friend like Iraq to suffer. He went on to say India is deeply concerned about the situation in Iraq, adding that the Indian government would offer Iraq all the political, material, and moral support that they needed.

India also wants to help Iraq rehabilitate some Iraqi oil refineries and a lubricant oil plant. India and Iraqi officials have said they would like to soon sign a contract to develop two oil fields in southern Iraq.

So India wants to help one of the worst tyrannical regimes in the world, Saddam Hussein's, at a time when we are participating in a U.N. embargo. And we are going to continue to send the same amount of foreign aid or almost the same amount. We are not going to send any signal about the human rights violations or about them breaking this embargo, or wanting to break this embargo, about their intention to work with Saddam Hussein to develop the oil fields in southern Iraq? And I say to my colleagues, do you not want to say anything about this? Do you not want to send any kind of a signal to India?

Eleven million dollars is a drop in the bucket, but it will tell the whole world that the United States is paying attention to the horrible human rights abuses that are taking place, the atrocities that are taking place, the killings that are taking place, and, yes, the violations of the U.N. embargo that they want to take place.

□ 2045

So I would say to my colleagues, who I know have their minds already made up and who are going to be out here en masse tonight opposing this amendment, have a heart. Show a little bit of heart for these people who are suffering over there. Because unless we say something, nobody will.

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

Mr. CALLAHAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to point out to Members and to the author of the amendment that the intent of his amendment is unclear. The amendment places a ceiling of \$33.5 million on the amount of development assistance aid available to the government of India. However, the President's fiscal year 2000 budget request for all development assistance to India, including both aid to the government and aid directly to nongovernmental organizations, is only \$28.7 million. In fact, about 85 percent of all aid funding to India goes through NGOs, not the government.

Therefore, the amendment of the gentleman from Indiana (Mr. BURTON) would actually allow considerably more funding to the government of

India than the President, the Secretary of State, USAID, and the committee is recommending. I do not think it was the intent of the gentleman from Indiana to increase funding for India, but based upon the reading of his amendment, it appears to me that it raises the level of assistance to India and he may want to withdraw it.

Mr. ACKERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

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

Mr. BERMAN. Mr. Chairman, I rise in strong opposition to the Burton amendment.

Cutting development assistance for India at this time would be totally counterproductive because it would undermine U.S.-India relations just when we're starting to make some real progress.

India showed great restraint in the recent Kashmir crisis, and the Indian government has made a strong commitment to resuming bilateral discussions with Pakistan as soon as all militants have withdrawn behind the Line of Control.

India has also indicated that signing the Comprehensive Test Ban Treaty will be a high priority.

On both counts, India is moving in a direction that's totally consistent with U.S. security interests in South Asia. It would be foolish to put this progress in jeopardy by cutting India's development assistance.

Mr. Chairman, human rights abuses should be taken seriously wherever they occur. India, like most countries in the world, doesn't have a perfect record.

But according to the latest State Department report on human rights practices, India is making real progress. The Indian Supreme Court has acknowledged and condemned earlier human rights abuses in Punjab, and the independent National Human Rights Commission is conducting an investigation.

The best way to improve human rights in India is to continue an open and frank dialogue, not to cut programs that limit the spread of AIDS, improve access to reproductive health services, and provide basic health care for mothers and children.

With some 500 million Indians living below the poverty line, the modest amount of assistance we provide barely scratches the surface when compared to the overall need.

But it's an important symbol of the relationship between the world's two largest democracies and it should be continued.

I urge my colleagues to defeat the amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from New York (Mr. ACKERMAN) for yielding me this time.

Mr. Chairman, I rise in strong opposition to the Burton amendment. We have heard a variety of arguments as to why we should abandon ties with India, and frankly none of them make sense. The fact is that India, the world's largest democracy, is becoming

more closely aligned with the United States and is increasingly important to us as a trading partner and a strategic partner.

Over a quarter of a million people are expected to vote in India's fall elections, free and fair elections open to every citizen of every religion of every region of every race. Think about that. A nation of 1 billion people with a free and open press practicing democracy.

This amendment sends the wrong message to the billions of people around the world who yearn for a secular stable political system, a political system in this country that our Founding Fathers believed should be based on universal freedoms. It sends the wrong message to the best allies that the United States will ever have, the world's fledgling democracies, whether they are the people of India, the people of Taiwan, or the people of Mali.

Mr. Chairman, I ask for opposition to the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Alabama (Mr. CALLAHAN), chairman of the committee, just said that our amendment only addresses developmental assistance when he knows full well that this amendment has been proposed in years past when developmental assistance and child survival and disease assistance was lumped into one category. Today he is trying to say that if our amendment passes, that we are actually increasing money to India, when I think they are trying to come up with a straw issue here to defeat the amendment and it is very disconcerting.

Mr. CALLAHAN. Mr. Chairman, I yield myself 15 second in which to respond by simply reading the gentleman's amendment. It says "under the heading Development Assistance." The gentleman's amendment is drafted wrong. I know that is not his intent. I was telling the gentleman this to make him aware of the consequences. The amendment will actually increase the ability of the administration to increase development assistance.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from New York (Mr. ACKERMAN) for yielding me this time and for his great leadership on this issue and so many others.

Mr. Chairman, I rise in opposition to the Burton amendment which would cut aid to India. A similar resolution or amendment was defeated in 1997, and we should do so again tonight.

The last two State Department Human Rights reports praised India for the progress the country has made in the area of human rights. And in the wake of the recent Pakistani-backed incursion across the line of control into Kashmir, India has been praised by the international community for the restraint it demonstrated and for the steps it took to ensure that the situation did not escalate out of control.

The momentum gained in U.S.-India relations in recent years needs to be sustained and strengthened. It is the world's largest democracy and the world's strongest democracy should be supporting our friend and ally. I urge a "no" vote.

Mr. BURTON of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of the intent of the gentleman from Indiana (Mr. BURTON) to send a message to India. I really actually admire India. India is a very large country that was created in a period of turmoil after the decline and the dissolution of the British Empire, and India has managed over the years, with great hardship, to have some fundamentally democratic institutions; and we should all recognize that they have elections there and have struggled to have independent courts and free elections and some kind of freedom of speech.

There have been ups and downs. In fact, I believe that the American business community has made a tragic error in focussing on Communist China as being that country which would be the recipient of aid and the recipient of investment over the years, when India was there and ready and willing to be a country that could increase the standard of living of its people by industrializing and making itself more prosperous.

However, let us recognize that with that that India has made some major errors and some of them are based totally on ego. And when it comes to the Kashmir and the Punjab and Jammu, the Indian Government might as well not be a democracy. For people in those areas, India might as well be Nazi Germany. It might as well not have free elections at all, because those people are being denied their right and have been all along, especially in Kashmir, to determine their own destiny through a plebiscite that was required of them by the United Nations.

The Indian Government today has, as the gentleman from Indiana (Mr. BURTON) pointed out, hundreds of thousands of troops occupying Kashmir; and many of these troops have engaged in, as troops do when they are in hostile territory, engaged in major human rights abuses that have been documented time and again by Amnesty International. There is really no doubt.

Our own government's Human Rights department here and the State Department have documented these human rights abuses. And take a look at what is being said. The type of grotesque human rights abuses against the people of Kashmir is the very same things we saw Saddam Hussein committing and also Milosevic down there in Kosovo and against the Bosnians. These things require us to act and to treat India in a certain way to try to get them to change their behavior.

First of all, and again let me go back to, India is a democratic government. I would hope people would invest in India, and I hope that the United States has closer ties to India in the future. Nothing would make that more likely than for them to seek peace in Kashmir by permitting the people there to have a vote of plebiscite which India, because of ego, continues to say no, no, no. And as long as that happens, India will be spending tens of millions if not hundreds of millions of dollars on weapons.

Mr. Chairman, think of this. Today we are only talking about decreasing the foreign aid to India by \$11 million, when the Indians themselves are spending hundreds of millions on conventional weapons and at least tens of millions, probably hundreds of millions, on nuclear weapons as well. That makes no sense at all for us to be subsidizing the weapons program of India. Instead, we should be sending this message to convince them to solve this long-festering problem in Kashmir and permit some of the democratic reforms to take place in Punjab and Jammu.

This would be a very positive message for us to send for only an \$11 million reduction. I would hope that my colleagues join me. I am sorry if there has been some kind of a drafting problem with this amendment, and I would hope that the gentleman from Indiana is permitted to solve that drafting problem here on the floor with some minor alteration of the text.

Mr. Chairman, I ask support for the intent of the gentleman from Indiana (Mr. BURTON).

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), who is a member of our subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for yielding me this time.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Indiana (Mr. BURTON) as I have done for the last 5 years or so.

In light of the heightened tensions in Kashmir, the Burton amendment is the wrong approach at the wrong time. The gentleman from Alabama has mentioned the NGO situation. That is aside from some of the things that I want to say. It is important, obviously, but I want to say this amendment will have the inappropriate and ill-considered effect of ostracizing India at a critical point in the ongoing conflict over Kashmir.

Mr. Chairman, instead of risking further tension in the region, the United States should be actively engaged in promoting peace in the subcontinent of Asia. While the eventual resolution of the Kashmir conflict must be resolved bilaterally between India and Pakistan, the United States has an interest in facilitating meaningful negotiations between the parties. In fact, I believe so strongly in bringing peace to this region, that I have encouraged the administration to appoint a special envoy

to serve as an honest broker to the conflict.

But in order to help bring a framework for peace, the U.S. must come to the table with clean hands. Supporting the Burton amendment would put the recent progress in relations between India and America at risk. Over the past year, we have seen increased dialogue on nuclear nonproliferation, a better understanding of India's security concerns, and an increase in U.S.-India trade and investment. This improvement in U.S.-India relations should be sustained and strengthened, not put at risk.

In order to address concerns we may have about India, it is important to focus on fostering a positive and constructive dialogue. This amendment would do the exact opposite by risking the progress we have made.

Mr. Chairman, I urge my colleagues on both sides to vote against the Burton amendment and in support of peace in Kashmir and engagement with India.

Mr. ACKERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong opposition to the Burton amendment and ask permission to include the full text of my remarks in the RECORD.

Mr. Chairman, I rise again this year to oppose the Burton amendment which would unfairly and unwisely cut foreign assistance to India. As this body has done repeatedly in the past, I urge my colleagues to reject this amendment.

Adoption of this amendment would send the wrong message at the wrong time. We have recently witnessed the de-escalation of a dangerous confrontation between the world's two newest nuclear powers, India and Pakistan. Rather than praising India for the restraint it demonstrated during the recent situation in Jammu and Kashmir, the Burton amendment would rebuff India and, in targeting humanitarian aid, would punish the poorest and neediest people in a country where 500 million live below the poverty line.

We are all aware of tensions in our relationship with India because of the nuclear tests fourteen months ago. Over the past year, however, we have made significant progress in intense bilateral talks between the United States and India. India has expressed readiness to cooperate in developing a multilateral agreement to halt production of fissile materials and to sign the Comprehensive Test Ban Treaty. We need to be encouraging this sort of progress. The Burton amendment could stop it cold.

India has made significant progress in liberalizing her economy and increasing trade and investment. The momentum created by these reforms would also be impeded by passage of the Burton amendment. United States businesses are India's number one overseas investor. Some 107 Fortune 500 companies are currently invested in India, and United States high tech firms see India as one of the world's most important developing markets.

Mr. Chairman, the United States must work with India to limit the proliferation of nuclear weapons, to address the security concerns of the region, and to safeguard the progress that has been made in protecting human rights. This amendment would not merely affect the level of assistance, which is already extremely limited, but far more significantly, would stigmatize India at precisely the moment we need most to build trust. I urge my colleagues to vote no on this amendment.

Mr. ACKERMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mrs. CLAYTON. Mr. Chairman, I rise in opposition to the Burton amendment.

Mr. Chairman, I oppose the Burton amendment.

This amendment, whether it freezes, cuts, or caps foreign assistance to India, is a step in the wrong direction.

India's Government is moving in the right direction, at a rapid pace to strengthen its ties with the United States and the world.

The economic and diplomatic relationship between the United States, the world's oldest democracy, and India, the world's largest democracy, would receive a harmful blow with successful passage of this amendment.

Mr. Chairman, the Government of India has been on a constant pace of change since 1991.

Indeed, the most recent State Department human rights reports praised India for the substantial progress it has made.

India has established a process to receive and resolve complaints of human rights violations.

Those complaints are investigated.

And when officials and members of security forces are found to have violated human rights, India has taken swift and sure action.

Indeed, the human rights violations that Mr. BURTON alleges, no longer exist.

India is a strong and vibrant democracy, with an independent judiciary, a free press and an active voting population.

More than 650 million citizens are expected to vote in India's elections later this year.

There is no other nation that can boast of voter participation by that many citizens, and few that can match India's voter turnout which ranges around two-thirds of its voters.

And, there is no other nation that can boast of its economic ties to the United States in comparison to India.

U.S. business in India has grown at an astonishing rate of nearly 50 percent a year since 1991, from \$500 million then, to more than \$12 billion now, with the United States becoming India's largest trading partner and largest investor.

Some one hundred of America's Fortune 500 companies have invested in India, opened offices and plants there.

With so many large American companies that have now invested in India and opened operations there, it would be foolish to break those ties, ties that we have so diligently strived to assemble.

It is false and misdirected to say that India is not our friend.

I would remind my colleagues, Mr. Chairman, that our Government and the Govern-

ment of India have negotiated on very sensitive matters of disarmament and non-proliferation.

Serious efforts have been made by our two countries to find common ground on these important security issues.

Any action by the United States to stigmatize India on inaccurate human rights allegations will likely complicate our efforts to create a lasting and meaningful friendship in a very dangerous part of the World.

It should also be noted that the aid we provide to India goes for very important projects. The aid we provide to India goes to the control of AIDS, to population control, disease control and rural development.

These are important and worthy causes, causes that not only benefits India, they benefit us and the rest of the world.

In 1997, we overwhelmingly defeated this amendment by a vote of 342 to 82.

We took the right position then, and we should take the right position now.

Mr. Chairman, let us as Members of Congress not view the Government of India as being callous to alleged human rights violations.

India has made great strides in their battle to bring together diverse states within its Region.

Vote NO! on the Burton Amendment.

Mr. ACKERMAN. Mr. Chairman, I yield such time as she may consume 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. Chairman, I rise in strong opposition to the Burton amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I just find it so sad to listen to my colleagues in support of this Burton amendment spread inaccurate information about India which has tried so hard to deal effectively with human rights problems within the country.

The true human rights problem in Kashmir is that of a violent separatist movement supported by outsiders, supported by Pakistan, carried out by the followers of bin Laden and other extremist terrorist leaders destroying the homes and lives of thousands of peace-loving Hindus and Muslims.

In Kashmir, and Kashmir is part of India, the Indian security forces are trying to maintain order and protect all the citizens of Kashmir, Muslims and Hindu alike, just like we would do in any State of the United States.

I heard mention of Punjab. In Punjab, there is a Sikh government elected by the Sikhs themselves which has been in place for over 2½ years.

Mr. Chairman, I heard mention of Dalits. The President of India is a Dalit, an untouchable. The President of India. The Indian Constitution specifically provides that the caste system is outlawed and not recognized in that state.

□ 2100

We have a national human rights commission in India that has been

lauded by the State Department and other international agencies for going after human rights violations, bringing people to justice, jailing people who committed those kinds of violations.

The gentleman from Indiana (Mr. BURTON) talked about a loan to Iraq. The loan to Iraq, from what we understand, we have talked to the embassy, is nothing more than basically for humanitarian purposes. It is just totally inaccurate information that we are getting on the other side.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Inaccurate information. Human Rights Watch. My colleagues, I hear them quoting from them all the time. Amnesty International, I hear my colleagues quoting them all the time. They quote them all the time. They sit over there, and they smile and they laugh.

Amnesty International Human Rights Watch, the 1999 report that just came out, 1999 report: gang raping women, gang raping women, torturing people, throwing people in canals with their hands tied behind their back and their feet tied, drowning them; and that is an error? Come on, guys.

My colleagues are obviously concerned about constituents of theirs who lobby them hard. I understand that. But the fact of the matter is these things are going on, and we are not doing a damn thing about it.

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

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), who is chairman of the Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the amendment. The amendment, according to the intent of the gentleman from Indiana (Mr. BURTON), would cut one-quarter of the development assistance aid to India. This would affect, of course, not only American national interests, but some of the neediest people in the world in South Asia.

Make no mistake about it, the purpose of the gentleman's amendment is punitive. It is designed to show our displeasure and our disapproval of the government of India. But India, a nation of a billion people, is too important to American interests to threaten or to punish in order to send a message or to show a pro-Pakistan tilt. Regrettably, despite his intent to the contrary, I have to submit that the gentleman's amendment does not serve our national interests, neither with regard to arms control nor in relationship to human rights.

It cuts off all aid except Public Law 480 Title II when it comes to humanitarian aid. Some of the most important things that we are trying to do to assist the poorest people in the world and

those specifically in India in this instance would be cut off. We are talking about immunizations against communicable diseases, basic education, nutrition programs, programs relating to HIV/AIDS.

I urge opposition to the amendment of the gentleman from Indiana (Mr. BURTON).

India is already subject to a wide range of sanctions in accordance with Glenn Amendment to the Arms Export Control Act. As a result, all military assistance and even the commercial sale of defense articles are prohibited. All foreign assistance except humanitarian assistance has been terminated.

While this Amendment does not affect the \$81 million in P.L. 480 Title II food aid provided by the United States, it does directly affect other kinds of humanitarian aid. Utilizing the waiver process, the remaining U.S. development aid program responds other non-food humanitarian aid which supports to two key U.S. national interests: (1) The global issues of population growth, infectious diseases and environmental conservation; and (2) the humanitarian concerns of alleviating poverty and supporting child survival.

This Amendment would directly affect these poverty alleviation and basis development programs. It would cut HIV/AIDS containment and cut immunizations against such communicable diseases as polio and tuberculosis. It would cut basic education and nutrition programs. The recipients of this aid, mostly poor Indian women and children, have absolutely nothing to do with their government's nuclear proliferation, human rights or foreign trade policies. Their lives should not be further jeopardized for the sake of making a symbolic political statement.

Our national interests in South Asia go beyond poverty alleviation. With India's and Pakistan's successful testing of nuclear weapons, it is in our own short term and long term national security interests to bring both South Asian countries into the regime of international arms control agreements. The chances for and consequences of nuclear warfare in this very volatile region are too great to belittle with symbolic political statements aimed at only party. In just the past few months, we have seen tensions escalate to a very dangerous level due to Pakistan's irresponsible provocations in Kashmir. The fact that India reacted in a relatively measured and internationally responsible way certainly helped contain and diffuse the conflict. While this Member does not support direct linkage between humanitarian aid and regional conflict resolution, to arbitrarily cut humanitarian assistance to India given these recent positive actions by New Delhi would, indeed, undermine the leverage we have and jeopardize our efforts to further engage India on critical nuclear proliferation issues that affect their own national security.

Human rights problems exist in India. It is appropriate for us to express concern about this issue. However, cutting humanitarian assistance is not an appropriate or effective way to influence human rights practices in India. On the contrary, it only punishes the poor in India, who unfortunately, are often the actual victims of human rights transgressions.

India is not our enemy. India is a friendly democracy. The United States continues to be India's largest trade and investment partner

with trade between our two countries exceeding \$10 billion annually.

Deep cuts in humanitarian assistance to some of the world's neediest people are not the way to go about addressing the gentleman's concerns and advancing American interests. Accordingly, this member urges his colleagues to reject the Burton Amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me this time. This marks the fifth year that the gentleman from Indiana (Mr. Burton) has submitted an amendment that unjustly singles out India and hopefully the fifth year that we decide to vote it down.

The alleged claims of the gentleman from Indiana (Mr. BURTON) of India's human rights violations completely ignore the last two State Department human rights reports that praise India for its considerable progress in the human rights area.

Supporting the Burton amendment would not just weaken our dialogue with India but would undermine the strong economic relationship that both of our countries have achieved.

The United States is India's largest trading partner and largest investor. U.S. investment has grown from \$500 million per year in 1991 to more than \$12 billion in 1999. Many large American companies have seen the economic opportunities in India and have invested heavily there.

We clearly need to sustain and further strengthen the momentum that has been gained in U.S.-Indo relations, instead of proposing legislation that merely alienates an important ally.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Indiana. This marks the fifth year that Mr. BURTON has submitted an amendment that unjustly singles out India, and hopefully, the fifth year that we decide to vote it down.

Mr. BURTON's alleged claims of India's human rights violations completely ignore the last two State Department human rights reports that praise India for its considerable progress in this area. The Burton amendment would substantially cut crucial U.S. humanitarian aid to India and would send the wrong message from the world's first democracy to the world's largest.

With the recent Pakistani incursion across the Line of Control into Jammu and Kashmir, India was praised by both the Administration and the International Community for the extraordinary restraint it displayed in confining its response to terrorist occupied territory. Mr. BURTON's amendment has a peculiar way of showing our support.

The government of India has worked hard to address human rights issues. India has arrested and prosecuted more than 100 individuals associated with the recent string of religious attacks that occurred earlier this year and has passed laws to take action against those officials that have committed human rights violations. Truly, Mr. BURTON's allegations continue to be based on outdated and inaccurate information.

Supporting the Burton amendment would not only weaken our dialogue with India but

would also undermine the strong economic relationship that both of our countries have achieved. The United States is India's largest trading partner and largest investor. U.S. investment has grown from \$500 million per year in 1991 to more than \$12 billion in 1999. Many large American companies have seen the economic opportunities in India and have invested heavily there.

We clearly need to sustain and further strengthen the momentum that has been gained in U.S.-Indo relations. Instead of proposing legislation that merely alienates an important ally, I suggest the esteemed member from Indiana first take the time to travel to India and see its progress first-hand. Mr. Chairman, I urge all of my colleagues to help India continue its progress in spreading the ideals of democracy by voting no to the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to point out that there are seven multi-lateral and 13 bilateral donors that provide assistance to India.

The United States is the seventh largest donor after the World Bank, the Asian Development Bank, the European Union, Japan, Germany, and the United Kingdom.

So there is a lot of people that are giving money to India. But nobody is sending any kind of a message to them that they ought to clean up their act as far as the human rights tragedies that are going on.

Christians are dying in Nagaland. Dalits, the blacks in India, are being persecuted and are dying because of Indian repression, because of the caste system. In Punjab, Sikhs are dying and being tortured. In Kashmir, women are being gang raped and men are being tortured and dying. People are going to jail without proper judicial proceedings.

We ought to at least send a signal. That is all we are saying. They are getting money from all over the world. A signal. The signal is going to be sent tonight whether we pass this amendment or not because we are talking about it.

The Indian ambassador came to me and did not want me to introduce this amendment because of what is going on over there right now. But somebody said to me a little while ago, what about the signal this is sending because of the chaotic situation that is going on up there on the border between Kashmir and Pakistan or India and Pakistan?

But what about the signal that was sent when they were going to give \$25 million to Iraq just the other day? When the Indian ambassador was in my office, they were planning to give \$25 million to Iraq in violation of the U.N. embargo. Does not anybody care about that?

Do we want them to support and work with Saddam Hussein? They said they are planning to work with him in developing oil fields in southern Iraq. Saddam Hussein has not changed. He is

a terror to that entire region. He is a blot on the world. India says they want to help them, and we are not going to send a signal? Let alone the human rights violations.

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

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. BURTON), cutting development assistance to India.

Democratic India is in a tough neighborhood. China occupies Tibet to India's north. China sells nuclear and ballistic technology to Pakistan on India's west, and China has sold over \$1 billion worth of arms to the drug-running Burmese military junta to India east. Our Nation should be strongly supporting India, the only truly democratic nation of the subcontinent.

Passage of the Burton amendment would undercut our strategic goals of supporting peace and stability through the promotion of democratic governments in the region.

In regards to the point of the gentleman from Indiana (Mr. BURTON) that India will enter into a commercial arrangement with Iraq, I received information from the State Department that the Indian ministry of external affairs has issued a statement that India will only enter into contracts approved by the U.N. sanctions committee on Iraq.

Accordingly, I urge my colleagues to vote against the Burton amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman for yielding me this time.

India is the world's largest democracy, and I agree that she is not a perfect nation. But I really do not know any perfect nations.

India is a young democracy, much younger than our very own. We still have problems with human rights in America. But India is moving, moving positively and progressively to try and overcome some of the difficulties of a country that has been colonized, a country steeped in poverty, a country that is seeking, working, struggling to overcome. Let us not take them back. Let us help them, not hurt them.

There is an old African proverb that says "When elephants fight, the grass gets hurt." Well, India will be hurt, 950 million of them. Let us help them, not hurt them.

Mr. Chairman, I rise in support of India and against the Burton amendment.

Today, India is the world's largest democracy with 950 million people. For half a century India has struggled to overcome colonialism, religious and ethnic conflicts and all of the problems of underdevelopment.

India has made tremendous progress in trying to address its human rights problems. India has instituted a process to receive complaints, initiate investigations of all claims, and passed laws to take action against those officials and members of security forces that have committed human rights offenses. The Burton amendment would eliminate U.S. assistance to help sustain these achievements.

Mr. Chairman, I know that India is not a perfect country. However, and perhaps unfortunately, there are none, or at the very least, none that I am aware of. Even in our own country, one whose democracy is much older, one that is more technologically advanced, we are still trying to form a more perfect union and so is India.

So why, why reduce or cut funding to the world's largest democracy? Why cut funds to a nation that is working hard and struggling to pull itself out of the depths of poverty and despair? Why cut back and or cut out the progress that is being made? W.E.B. DuBois is reported to have once said, when asked about the lack of progress being made by African Americans towards becoming a part of mainstream America, DuBois is reported to have said that "a people so deprived should not be expected to race with the wind," perhaps one could say that a young democracy like India should not be expected to progress at a much faster pace.

They are making progress in the human rights arena, but have not quite gotten there yet. They are moving in the right direction and I say, let's help and not hinder them, let us support and not oppose them, let us fund and not cut them.

Mr. Chairman, I have lived long enough to understand the African proverb that says when elephants fight it is the grass that suffers, in this case it is the people, 950 million of them. Today let us make a stand for the 950 million people who need our help.

Vote "No" on the Burton amendment and "Yes" for people of India.

Mr. CALLAHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MCCOLLUM).

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

Mr. MCCOLLUM. Mr. Chairman, I rise to oppose the Burton amendment this evening, as I have done several times over. A very similar amendment to make the same type of point was defeated in 1997 by a vote of 82 to 342 in this House, and I would hope that this amendment would be defeated by a similarly wide margin.

The reason I feel this way and so strongly is because it is our national security interest for the United States to have a strong relationship with India.

We do not need to be showing the kind of vote that a vote for this amendment would do right now when we are having the best relationships we have ever had with India in the entire history of the two countries; at a time when India is sharing a common fight

with us against terrorism, terrorism spawned by radical Islamists in that region of the world which do terrorist acts, not only in India, but all over the world, and particularly against our interests in many parts and maybe against us ourselves; at a time when China is a growing presence that we are not quite sure of and India provides a democratic ballast in that part of the world; at a time when India has just rebuffed the Pakistani incursion across the line of control in Kashmir and, under very extreme pressure of invasion, did the right thing and limited itself in restraint and, in the end, prevailed. I think this is a time to reward India, not to attack it.

I personally have spoken with the Indian ambassador within the past week, and I am very aware that the activity level involving the question of the aid to Iraq is fully within the United Nations' parameters.

There is nothing involved about human rights that has not been hashed over before. The reality is, yes, there are human rights violations; but the reality is our State Department says it is improving, and it says so in its most current report.

Mr. ACKERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the Burton amendment. There is no higher priority in U.S. foreign policy than checking the potential of aggression by the People's Republic of China. There is no greater interest in checking that potential aggression than the promotion of a stable, secure, and democratic India.

As the gentleman from Illinois (Mr. DAVIS) just said, no, India is not perfect. No one is. But India is essential to the future long-term interests of the United States.

This amendment takes us in the wrong direction. It should be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the logic of some of the arguments tonight kind of eludes me. One of my colleagues was talking about India being such an essential ingredient in world peace and, for that reason, we ought to do everything we can to work with them.

The logic that we have used with China is that China is so big, and they are a nuclear power, we have to stay engaged with them. We cannot criticize them. We cannot do anything but appease them because it might lead to a conflict down the road. As a result, we accept things like nuclear espionage; we accept things like illegal campaign contributions coming to the United States.

Attitudes of appeasement usually do not lead to a solution. They lead to a conflict. We saw that in World War II when Lord Chamberlain went to Munich.

All I can say is we are not talking about destabilizing or causing a problem in India right now. What we are talking about is sending a message to them. We are talking about sending a message to them that human rights violations, that gang rapes by Indian soldiers who are occupying, imposing martial law on Kashmir and Punjab will not be tolerated.

I am not saying sever relations with India. I am not saying that we should not do business with India, trade with India. I am saying we should send them a strong signal like we should send to China. We do not want espionage from China. We do not want them stealing our nuclear secrets in our nuclear labs. We do not want them trying to influence our elections, like we do not try to influence theirs. We do not want India to violate human rights, or China.

So we should send signals to those countries around the world where that occurs. We are supposedly the superpower. We are supposedly the moral compass in this world. If we are the moral compass, then at least send a signal to them.

If we cut off just \$11 million, and we did vote for that one year. We did pass that one year not too long ago, because I do remember debating Steven Solarz on this subject. I think sending that signal was the reason that India unleashed all of its resources that they possibly could to lobby this body so that we would not ever do it again. They evidently have been fairly successful.

But the feeling I have that is so strong and the reason I bring this up year after year is because I cannot go to sleep at night when I know that there are gang rapes taking place, people being tortured, people being put in jail for no good reason other than they do not like what is going on when we are supposed to be the people who really believe in freedom, democracy, and human rights.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I have listened to the debate for the last 10 minutes, and I am appalled by the fact that the debate is taking place without any real examination of the question of Kashmir.

□ 2115

I have heard the various reasons that the gentleman has given for sending a signal to India, but the reason that all of us should be concerned about sending a signal to India is that the Kashmir bind that we have been in for almost 50 years is caused by the fact that India refuses to accept the simple route of Democratic self-determination for Kashmir.

Kashmir is a large body of people who ought to have the right to vote as to what they want to do, whether they want to be independent or join Pakistan, or maybe we will even let India

cross that off and do not have annexation to Pakistan on the agenda. Let them vote either to join India or to become an independent state. They will not even agree to that.

If Kashmir were located in Europe or in Yugoslavia, we would all be concerned about the denial of self-determination by the people of Kashmir. It has gone on for decades now and nobody seems to care about the fact that the world's largest democracy, and India likes to call itself the world's largest democracy, and I applaud democracy in India, but it has great limitations and it is totally blind when it comes to democracy for Kashmir. Kashmir is not permitted to exercise the simple right to vote.

Now we have a situation where the situation has escalated because these two powers, which dispute about a number of things but mainly about Kashmir, are now nuclear powers. They are nuclear powers. And I hate to say, but as new nuclear powers or amateur nuclear powers, they may rush into something and cause havoc in that part of the world. And of course, once we start using nuclear weapons, we have a problem with the atmosphere, we have a problem with the ashes being blown and radioactivity, all kinds of things can be set off by a war over Kashmir between Pakistan and India.

I think that if we remove Kashmir as a point of contention between India and Pakistan, we would take a giant step toward promoting peace in that part of the world and toward avoiding a catastrophe which would pull in many other nations.

Now, I was all in favor of doing what we did in Kosovo, because I thought it was important to establish a new moral order and to send a message to predators like Slobodan Milosevic. But India does not have any evil person we can personify in the case of Kashmir. But they have a long-term policy, a long-term policy of just denying the right to self-determination to the people of Kashmir. Who can justify that? And why not send a signal to India? Why not do something?

I do not hear the United Nations debating it. I do not hear anybody proposing a sense of the Congress resolution. Why are we ignoring the problem of Kashmir? Why do we let it go on and on for decades? Are we waiting for an explosion? Are we waiting for something more serious that we will be drawn into? Are we waiting when we will have to take sides because of geopolitics, that China may be on one side, therefore we have to get on the other side? Why do we not proceed with a simple nonviolent solution.

People have said we should not have gone into Kosovo with bombs; we should not have gone into Kosovo with NATO; we should have had a nonviolent solution. Here is an opportunity for a nonviolent solution. And India, as a nation, has always been in favor of nonviolence in many instances. Gandhi was the founder of the

whole nonviolent movement. Why do we not send a signal to India that we would like to see them change their ways and let Kashmir have a vote on self-determination. Any signal would be a good signal in my opinion.

I certainly will support the gentleman's amendment, because nothing else is being done.

Mr. CALLAHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, I rise to oppose the amendment of my good friend the gentleman from Indiana (Mr. BURTON).

Without question, the U.S. relationship with India has been undergoing tremendous improvements in the last decade. With the rising influence of Communist China over Asia, it is in the vital national security interest of the United States to solidify our friendship and cooperation with India.

Not only is India directly threatened by the belligerent government in China, Pakistan gave military assistance to a band of terrorists who crossed into Indian territory of Kashmir and began a military assault.

The Indian military responded with equal force and fought to defend its territorial integrity. India was praised for demonstrating restraint and confined its military activities to recapturing its territory that was occupied by Pakistani-backed military forces. By adopting a proper and proportionate military response to the violation of India's borders, India took steps to ensure that the situation did not spin out of control and escalate further.

The Burton Amendment would substantially cut critical U.S. humanitarian aid to India. Examples of humanitarian aid projects include: AIDS control, population and disease control, and rural development.

In regard to trade, the U.S. is India's largest trading partner and largest investor. U.S. investment has grown from \$500 million per year in 1991 to \$12 billion in 1998. Despite the collapse of various economies in Southeast Asia over the last two years, the Indian economy continued to grow at a rate of 6% in 1998.

India has been criticized in the past for human rights violations. The last two reports on human rights from the State Department praised India for the substantial progress the country has made in the area of human rights and, of course, as mentioned the creation of the independent National Human Rights Commission.

As many of my colleagues know, this is the world's largest democracy. Elections have been held in this country in a fair manner and they have made tremendous strides towards their democracy. In 1997, in the State of Punjab open and democratic elections were held and there was a 67 percent turnout. Elections in India are regular. They are contested by numerous parties and scrutinized by a free press.

Later this year, India will conduct the largest exercised democracy in the world. More than 250 million people are expected to vote. More than 100 na-

tional and regional political parties will be participating in the elections. India maintains an independent judiciary, a free press, and diverse political parties. The India press corps actively insists in investigating human rights abuses on a regular basis.

So I understand my colleague. Every year he comes to the House floor and offers this amendment. But in this case, I think his differences with the government of India should not harm the Indian people, especially those who are in need of the aid.

Mr. ACKERMAN. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from New York (Mr. ACKERMAN) has 6½ minutes remaining, the gentleman from Indiana (Mr. BURTON) has 1½ minutes remaining, and the gentleman from Alabama (Mr. CALLAHAN) has 4½ minutes remaining.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Burton amendment.

As in the past, the gentleman from Indiana (Mr. BURTON) has cited human rights abuses in India as the reason for his legislative initiative. While human rights abuses have been uncovered in India, it is important to note the significant progress that India has made in resolving human rights problems.

As noted in the State Department's human rights report on India, India is addressing its human rights problems because it is a democracy, as noted, the world's largest. Although the country has confronted many challenges since gaining independence in 1947, it has stayed true to its founding principles.

For 50 years, India has been striving to build a civil society, to institutionalize democratic values of free expression and religion, and to find strength in the diversity of its land and its people, despite such things as outside insurgency in Kashmir.

I do not see why we would want to jeopardize this humanitarian aid. Withholding this aid would punish the same people this ill-conceived amendment seeks to protect, adequate nutrition, shelter, and education. These are human rights too.

I oppose the amendment, and I urge my colleagues to also oppose it.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Chairman, I rise in opposition to the Burton amendment as I have in the past.

We have heard India attacked for spending money on its own defense and yet it is subject to attack by the Pakistani army in an action of aggression as Kashmir. And just as importantly, China, one of the world's emerging powers, occupies a small part of India's territory.

We have heard talk of the Iraqi potential loan, and yet that loan would go through only with the approval of the U.N. Sanctions Committee, which means that India will do nothing without the consent of the United States which has a veto on that committee.

We are told that India should just allow Kashmir to secede, but there have already been elections in Kashmir. The chief minister is a Muslim. And we should hesitate a minute before we announce that every country should allow any province at any time to hold a referendum on secession, because when South Carolina wanted to secede, that was a rather bad idea.

The Burton amendment is the wrong approach at the wrong time. In the wake of the recent Pakistani incursion across the line of control, the U.S. and India have a new opportunity to build a broad-based relationship. Instead of applauding India for the admirable restraint shown in the recent Kashmir crisis, this amendment would punish India by cutting crucial humanitarian assistance.

The Burton amendment would substantially cut critical U.S. humanitarian aid to India. These programs limit the spread of HIV/AIDS, improve access to reproductive health services, and provide supplemental feeding and basic health services to mothers and children. A similar amendment was defeated in 1997 by a vote of 342-82. No similar amendment was offered in 1998.

India is addressing the human rights violations cited by Mr. BURTON. The last two State Department Country Reports on Human Rights praised India for making substantial progress in the area of human rights and for its independent National Human Rights Commission. The Government of India has also continued to allow the International Committee of the Red Cross to visit prisons in Kashmir.

As further evidence of progress on human rights, India has arrested and prosecuted more than 100 individuals associated with the recent string of religious attacks that occurred earlier this year. In addition, India has passed laws to take action against those officials and members of security forces that have committed human rights violations.

India is under constant terrorist attacks from the followers of people like Osama bin Ladin, who have training camps set up across India's borders in Pakistan. Groups like Harkat ul-Mujahidin, an organization officially designated as terrorist, by the State Department, routinely attack Indian citizens with car bombs, sniper attacks, kidnappings and wholesale slaughter of towns in an attempt to disrupt any kind of peace in the Indian state of Jammu and Kashmir.

The greatest violations of human rights in Kashmir are being committed by the Pakistani sponsored terrorist groups which in the last several months have targeted dozens of entirely innocent civilians, from participants in wedding parties to passengers on buses.

India is a strong and vibrant democracy that features an independent judiciary, free press and diverse political parties. In fact, the Indian press corp, among the most active in the world, assists in investigating human rights abuses, as do Indian non-governmental organizations.

The U.S. is India's largest trading partner and largest investor. U.S. direct investment

has grown from \$500 million per year in 1991 to \$12 billion in 1998. Despite the collapse of various economies in Southeast Asia over the last two years, the Indian economy continued to grow at a rate of 6% in 1998. In the first half of 1999, new foreign investment in India totaled \$600 million.

Many large American companies have invested in India and opened plants and offices there. More than 100 of the U.S. Fortune 500 have invested in India. Among those companies are General Electric, Boeing, AT&T, Citigroup, Morgan Stanley, Ford Motor Company, Microsoft, IBM, Coca Cola, Pepsico, Eli Lilly, Merrill Lynch, McDonnell Douglas, US West, Bell Atlantic, Sprint, Raytheon, Motorola, Amoco, Hughes, Mobil, and Enron.

Later this year, India will conduct the largest exercise of democracy in the history of the world. More than 250 million people are expected to vote and more than 100 national and regional parties will be participating in the elections.

The best way for us to help India continue to improve its human rights record is to engage in positive and constructive dialogue, one democracy to another. Not with punitive sanctions and cuts in assistance.

The Burton amendment will run counter to the progress that has been made in bilateral relations between the U.S. and India. During the past year, U.S.-India relations have been marked by increased dialogue on nuclear non-proliferation, a better understanding of India's security concerns, and an increase in U.S.-India trade and investment. India and the United States worked very closely to repel the Pakistani regulars and Pakistani-backed terrorists from the Indian side of the Line of Control.

The momentum gained in U.S.-India relations needs to be sustained and strengthened. A vote for the Burton amendment would send the wrong signal to the people of India.

Proponents of the Burton Amendment will make note of reports that India has offered Iraq a \$25 million line of credit. India has said that they will only do this in the context of UN guidelines on the Iraqi sanctions. That means they will need unanimous approval by the Sanctions Committee, which is essentially the Security Council, before they will go forward with the loan. The US can stop it and India will abide by the decision of the UN.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself the balance of my time, and I think I will make just a couple of points and then I will withdraw the amendment, because I have been convinced that since 2 years ago they changed the way the developmental assistance was provided and that there has been a misprinting or miswriting of the amendment, which I truly regret, but I do not think I will get unanimous consent to change it, so I will not even ask.

Mr. Chairman, the previous speaker talked about India's minister of oil and gas, and he said that India was only going to allow that loan if the U.N. said that it was all right. The fact of the matter is India's minister of oil and gas, and I am quoting him now, acknowledged the grant would violate U.N. sanctions but said his country would never allow a friend like Iran to suffer. So the intent of India was very clear. They were going to violate the

embargo. They were going to violate the U.N. sanctions.

Let me just end by saying that the reason I come down here year after year is not because I like to argue with my colleagues, because I know the other side outnumbered me. And though I really liked Cyrano de Bergerac, where he fought hundreds of people by himself and emerged victorious, I come down here with no false illusions. I know when I come down, my colleagues will beat me into the ground. But I think it is important that we bring this issue up, because human rights are being violated in Kashmir and Punjab; because U.N. agreements have been violated, going back to 1948 and the plebiscite that was agreed to.

All I can say to my colleagues is that someday I hope that we will see fit to send some kind of signal to India that will bring about some positive change.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I will not object if we do that after the closing statements.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my request to withdraw the amendment.

The CHAIRMAN. The gentleman withdraws his request.

The gentleman from New York (Mr. ACKERMAN) has 6½ minutes remaining.

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

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

Mr. ACKERMAN. Mr. Chairman, I think we are seeing a rather unique occurrence here on the floor today. Indeed, we usually enjoy doing battle with the gentleman from Indiana (Mr. BURTON). He sometimes is really a lone warrior on this issue, the overwhelming majority of the House of Representatives voting against his amendment. But, nonetheless, we have never come to the point where we have forced him into a full retreat on the floor of the House, and that is too bad, because we do appreciate hearing his point of view, in the minority though it might be.

The gentleman's amendment is being withdrawn because it is flawed, as is his logic, as are his arguments. The gentleman's intent, as it usually is, is to come to the floor, as he has time and time again, to bash India. And his intent here was to cut aid. And, instead, the flawed amendment would indeed allow an increase in aid to be sent to India. Instead of sending a letter bomb, had his amendment passed, he would have sent a Valentine's card.

The gentleman's intent was basically to hurt the most vulnerable people of the Indian society. Our assistance programs help children and the elderly and pregnant women. The gentleman

from Indiana comes to the floor as a champion of human rights. Does he not know that in Kashmir there is an elected government, democratically elected; a government that is under continuous assault from secessionist terrorists who are responsible for numerous serious abuses, including extrajudicial executions, torture, kidnapping and extortion?

Mr. Chairman, the fountainhead of human rights violations in Kashmir is state-sponsored terrorism from across the border in Kashmir. Just recently, we bore witness yet again to the fact that India was being victimized by an egregious invasion of forces from across the border in Pakistan. This invasion would have become a full-fledged war but for the commendable restraint shown by New Delhi. India has demonstrated that it is a responsible nuclear power, that it does not get provoked easily, and it knows that real power means acting with restraint.

□ 2130

India should be recognized for its exceptional conduct during the recent Kargil aggression. This amendment of the gentleman from Indiana (Mr. BURTON) does just the opposite.

Who are the people terrorizing that he speaks of? These people are terrorizing the peace-loving people of the Indian state of Jammu Kashmir, Hindus and Muslims alike. They are the victims of terrorism for the last several years. It is terror that is unbridled and violent, and it is let loose by the Mujahidin members brought in from all over the world from overseas and aided and given arms by the Pakistanis. That is the real cause for human rights abuses in Kashmir.

Mr. Chairman, the real violators of human rights in Kashmir are the numerous terrorist outfits owing allegiance to the fundamentalist religious groups. It is these religious fanatics belonging to such groups as the Harkatul-Mujahideen, recruited, trained and unleashed by Osama bin Laden and his terror network, who are fanning the flames of human rights violations in Kashmir. The Indian troops that are there are there to maintain the peace and stability of their State of Jammu and Kashmir.

The rights that the gentleman from New York (Mr. BURTON) would seek to protect are the rights of Mr. Bin Laden, who has blown up U.S. embassies all over the world. Is that who we are concerned about? I think not. It is these terrorist groups and training camps that we have to target, not Democratic India, as violators of human rights.

India is a beacon of unity and diversity. It is a multi-ethnic, multi-lingual, multi-cultural, and multi-religious civilization with a commendable record of tolerance.

This is not the time, as the gentleman of Indiana (Mr. BURTON) recognizes, to bring this amendment up. It is

not the time to bash India and to reward Pakistan. It is not time to punish the victims and to reward the aggressors.

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

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) has 4½ minutes remaining.

Mr. CALLAHAN. Mr. Chairman, I yield myself 2½ minutes.

First of all, Mr. Chairman, and to my colleagues in the House and to those that might be watching on television, if we were to have a vote on the floor of this House tonight or anytime and we would ask the Members of Congress as to whether or not they condone atrocities that are created anyplace in the world by any people, it would be 435 against. That is not really the question here tonight.

I do not question the motives of the gentleman from Indiana (Mr. BURTON). As a matter of fact, I applaud him for bringing this issue to our attention, an issue of great concern to him. But my observation is India is the largest democracy in the world, and there are 300 million people who live in poverty in that largest democracy. And 85 percent of the monies that we appropriate in this bill goes to private, volunteer organizations who spend it on making things better for the poverty stricken people of India.

There are other monies that go to India indirectly through this committee. For example, we fund UNICEF, and we also fund indirectly the Rotary International, which is in the process today of immunizing every child in India so there will not be a polio epidemic there and we will help to eradicate it.

So I do not question the fact that the gentleman from Indiana (Mr. BURTON) is concerned. I do not question his motives at all. None of us agree with any atrocities that are committed.

If we look at the situation that the gentleman from New York (Mr. OWENS) mentioned in Kosovo, the KLA is murdering people in Kosovo. Yet, within the next few months, we are going to appropriate some more money for Kosovo for humanitarian efforts.

We have already appropriated hundreds of millions of dollars already, and yet we still see the KLA now slaughtering the Serbs as they try to exit Kosovo and back into Serbia.

So it is not an indication of tolerance. It is not an indication of no concern. It is an indication of we are doing the right thing, in my opinion, by appropriating this small amount of money, of which only probably less than \$3 million goes to the Government of India and it is restricted in its use.

So, in my opinion, we are doing the right thing with the money we have agreed to give to the President in order that he can handle the international affairs as he sees fit, as the Constitution says he will.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, let me just close by saying to my colleague, the gentleman from New York (Mr. ACKERMAN), that I am not in full retreat. Withdrawing the amendment was because of a technicality, and I think my good friend knows that. And we are good friends. We worked together on other issues.

But the thing that motivates me is 200,000 Christians that have died over the past 30, 40, 50 years in Nagaland; the 250,000 Sikhs that were killed in Punjab in the last 15 years; the 60,000 Muslims that were killed in Kashmir in the last 10 years; and the thousands of Dalits, who are lower cast people, the blacks, who are mistreated and killed in India.

Maybe we are jousting windmills here. I do not know. But we have got to do what we think is right.

So I would just like to say to my colleague, we will be back another time to fight this battle. And I am sure I will have some formidable opponents like my colleagues over there, but we will do the best we can.

Just remember what Arnold Schwarzenegger said, "I'll be back."

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. ACKERMAN. Mr. Chairman, reserving the right to object, I just want to understand that the gentleman from Indiana (Mr. BURTON), under the unanimous consent request of last Friday I believe, has the right to offer an amendment, that this being withdrawn does not give the gentleman the right to offer a different amendment, and that that is not his intent.

Mr. BURTON of Indiana. Mr. Chairman, that is correct.

Mr. ACKERMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Indiana (Mr. BURTON) is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HASTINGS of Florida:

Page 116, after line 5, insert the following:

SENSE OF THE CONGRESS RELATING TO
COLOMBIAN FLOWER INDUSTRY

SEC. ____ (a) FINDINGS.—The Congress finds the following:

(1) The flower industry of Colombia has been recognized on several occasions by the Department of State, the Drug Enforcement Agency, and the United States Customs Service for its substantive part in reducing drug-related and other criminal activities while working closely with United States law enforcement agencies to establish extensive anti-smuggling programs.

(2) The flower industry of Colombia has been a leader as a major private industry in

reducing corruption in the commercial sector and worked closely with the Government of Colombia to strengthen the commitment of such Government to preserve and advance its democratic institutions.

(3) The flower industry of Colombia employs directly and indirectly approximately 125,000 people in Colombia.

(4) The flower industry of Colombia has established numerous social programs for workers and their families such as nursing care, day care, subsidized food and nutrition programs, subsidized schooling, and most recently, a program and publication dedicated to reducing intra-family violence.

(5) This publication is designed to strengthen family value and human rights among the workers of the Colombian flower sector.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the flower industry of Colombia should be recognized for its contributions to strengthening United States and Colombian relations by insuring strong and healthy families, domestic stability, and promoting good government in the democratic nation of Colombia.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Does the gentleman from Alabama (Mr. CALLAHAN) also seek to control the time in opposition to the amendment?

Mr. CALLAHAN. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman and the ranking member for their patience with this amendment.

I rise today to offer the amendment to the Foreign Operations bill. The amendment is designed to recognize members of the Colombian flower industry who have worked diligently to improve the living standard of all people in Colombia.

Known by their countrymen as Growers of Flowers, these business persons have been leaders in Latin American private industry in reducing corruption in the commercial sector, while working closely with the Colombian Government to bolster and advance its Democratic initiatives.

Programs being supported and funded by Growers of Flowers include corruption reduction in the private sector, the establishment of nursing care, day-care, subsidized food, nutrition, and educational programs, and a new program to eradicate domestic violence.

At this time there is scarce good news coming out of Colombia. On this past weekend, we read and saw further bombings taking place in Colombia.

The work that Growers of Flowers is voluntarily doing on the ground is, however, a bright little light.

I am offering this amendment this evening to acknowledge the contributions of Growers of Flowers, and I hope

my colleagues will join me in this effort.

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

Mr. CALLAHAN. Mr. Chairman, continuing to reserve my point of order on the amendment, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise with concern over this amendment. The amendment expresses a sense of Congress. Colombia is in a very grave situation right now. Its 40-year-old government guerrilla struggle and the latter day antidrug struggle is critical.

The Colombian flower growers have been one of its most successful enterprises in Latin America, but not without help from our country. Our country allowed Colombian flowers into this country duty free.

There is a downside to the Colombian success, the injury done to U.S. flower growers. We might note that since 1992, 50 percent of the U.S. carnation producers have left the business, 39 percent of the mini-carnation producers have left the business, 54 percent of the U.S. chrysanthemum producers have left the business, and 41 percent of the rose growers have left the business.

U.S. flower growers do not get acknowledged by U.S. Congress. Nor do they get any Federal help.

Well, I am here to congratulate those businesses in Colombia that are doing well. I think that the flower growers are a good enterprise for Colombia.

Let us not forget or let us not do this praise without remembering that there is a downside, because all of those Colombian flowers get into the United States free of duty.

Mr. CALLAHAN. Mr. Chairman, continuing to reserve my point of order, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for being so generous in yielding.

I support both of the gentlemen. I think they are both right. I think that the Hastings amendment is one that is an important one, and the recognition that he seeks to present to the flower industry of Colombia is important.

But our colleague from California (Mr. FARR) is also right. I do not think that that recognition does damage to the flower industry in the U.S.; the free market does. But we must be sensitive to those needs because we have a wonderful flower industry in our country. But that does not negate the facts that the gentleman from Florida (Mr. HASTINGS) presents. I thank him for his leadership on this, especially at this sensitive time in Colombia's future.

My colleague, the gentleman from California (Mr. FARR), has been a champion on that score. He has been a friend of Colombia and is sensitive to the concerns that are there, too.

So, hopefully, we will be able to find a way to recognize and also recognize our own industries here, as well.

Mr. CUNNINGHAM. Mr. Chairman, I rise not to oppose the gentleman's amendment, but to address the concerns many of us have about the impact that the Colombian flower industry is having on American flower growers. I won't disagree with the gentleman that the Colombian flower industry has made progress in Colombia. However, I ask Mr. Speaker, at what cost?

In 1991, Congress enacted the Andean Trade Preference Act (ATPA) which provided for duty-free treatment, or reduced duties, on many products, including fresh-cut flowers, imported from the four South American Andean countries of Bolivia, Colombia, Ecuador, and Peru. This legislation was proposed to promote alternatives to coca cultivation and production by offering broader access to U.S. markets for legal products. Unfortunately, the act has not accomplished these goals.

Since the enactment of ATPA, it is clear that Colombian fresh-cut flowers have been the greatest beneficiaries. In 1992, Colombia exported \$87.7 million worth of fresh-cut flowers to the United States. By 1995, Colombian exports increased to more than \$374.4 million. This represents a 427-percent increase over that 3-year period.

How does the growth in Colombian exports compare with the domestic-cut flower industry? Domestic growers of roses and carnations have been particularly hard hit. In 1996, Colombia exported approximately 1.7 billion roses and carnations to the United States. Colombia now controls more than 50 percent of the United States market for roses and 80 percent of the carnation market. Overall, Colombian flowers account for about 65 percent of the United States fresh-cut flower market.

Meanwhile, the total number of U.S. fresh-cut flower growers has plummeted from 932 in 1992 to 706 in 1995, a decline of over 10 percent a year. Specifically, since the passage of the ATPA, more than 52.52 percent of U.S. Carnation producers, 39.02 percent of U.S. mini carnation producers, 53.95 percent of the U.S. Chrysanthemum producers, 41.62 percent of the U.S. Pompon Chrysanthemum producers, and 41.3 percent of the U.S. rose producers have left the business. This impact on the domestic-cut flower industry has been disproportionately placed upon California, home of 58 percent of the United States cut flower growers.

The ATPA provides the preferential treatment for Colombian fresh-cut flowers only—not for flowers from the Netherlands, or from any other country. This preferential treatment, however, is not serving its other intended purposes of reducing illegal drug production in the nation of Colombia.

In 1996, an International Trade Commission (ITC) report found that the "ATPA had little effect on drug crop eradication in the Andean region." This is a major understatement. In fact, since ATPA's enactment illegal drug crop cultivation has increased in Colombia. The number of hectares devoted to coca cultivation in Colombia increased from 37,500 in 1991 to more than 50,000 in 1995. The ITC report also found that "[the] ATPA had a small and indirect effect on crop substitution during 1995." Thus, we have not achieved the intended goal of reducing drug crop cultivation by providing market access for alternative crops.

We must do all we can to encourage Colombia to seek alternatives to drug production. However, the ATPA has neither effectively reduced drug crop production in Colombia, nor has it improved the economic situation of cut flower growers in the United States. If we are going to fight drug production at its source in Colombia, Members and the American people should be informed that the Andean Trade Preference Act is not up to the task.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent to withdraw the amendment. I thank the chairman and the ranking member for their indulgence.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Florida (Mr. HASTINGS) is withdrawn.

AMENDMENT OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Tancredo:

Page 116, after line 5, insert the following: SEC. . . None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere (MAB) Program or the United Nations World Heritage Fund.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes on his amendment.

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

Mr. Chairman, the amendment I offer today cuts nothing from the total appropriations for the Foreign Operations appropriations, but it does prohibit any use of funds for the Man and the Biosphere Program and the World Heritage Convention.

Currently, there are 47 Biosphere Reserves and 20 World Heritage Sites in the United States that in total make up a land area the size of my home State of Colorado. Creation of these reserves and sites has significant impact on non-Federal lands outside the designated areas and in several instances has caused major problems for private land owners.

In fact, several States have passed resolutions opposing U.S. Biosphere Programs.

Over the past several years in both the United States and Australia, the weight levied by World Heritage Sites has been brought to bear by private citizens carrying out the course of their industry.

In Yellowstone National Park, the environmental impact statement for

the New World Mine was not even finished when the World Heritage Committee voted to place Yellowstone on the "In Danger" list for World Heritage Sites.

□ 2145

Likewise, the Jabiluka Mine in Kakido National Forest in Australia came up against a similar threat by the World Heritage Committee, but this time the verdict was much more agreeable. What is ironic is that the decision was handed down in Paris.

Mr. CALLAHAN. Mr. Chairman, if the gentleman will yield, I withdraw my point of order.

The CHAIRMAN. The gentleman from Alabama withdraws the point of order.

Mr. TANCREDO. A decision affecting the land of private citizens in Australia was decided by bureaucrats in a country halfway around the world. These are decisions which should be handled by the government of the country in which the action in question takes place. It should in no way be given over to an international organization with foreign influence.

Similar amendments to the one I have proposed have been passed in previous appropriations bills because these programs draw from funds of over 10 governmental agencies. This House has gone on record before to deny funding to these two particular organizations, and I believe that we must come together again to make sure more American taxpayer money is not used for programs which do not serve the American people justly.

I believe that there are certainly better places for this funding to be spent than in UNESCO, an organization from which the United States withdrew over a decade and a half ago.

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

The CHAIRMAN. Does the gentleman from Alabama (Mr. CALLAHAN) seek to control the time in opposition?

Mr. CALLAHAN. I do seek to control the time, Mr. Chairman, but I also ask unanimous consent to give the time to the gentlewoman from California (Ms. PELOSI) and give her the authority to yield as she so deems necessary.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. PELOSI) will control 5 minutes.

There was no objection.

Ms. PELOSI. I thank the distinguished chairman for his generosity in yielding all the time to me.

Mr. Chairman, I yield such time as he may consume to the very distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member on the authorizing committee.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time in opposition to this amendment.

Mr. Chairman, the World Heritage Convention is an international treaty conceived and spearheaded by the United States during the Nixon admin-

istration under which countries voluntarily identify culturally and environmentally significant areas within their own borders and promise to continue to protect them.

The program is totally voluntary. The land must be protected in order to be nominated. It is not protected after it is nominated. The only power that the World Heritage Committee has is if the country who nominated the site goes back on its promise to protect that area, the committee can drop the site from the list.

The Man and the Biosphere program identifies protected areas where scientists can study entire ecosystems and then sets up a framework where those scientists can share their information internationally.

The framework documents which control the Man and the Biosphere program and the World Heritage Convention both contain language making clear that they in no way alter the ownership or control of these lands.

Since we were the first signatory of the World Heritage Convention in 1973, 152 other nations have followed suit. This convention was not only a promise to live up to our own standards for protecting these sites, it was an invitation to other countries around the world to follow suit.

These two programs have established the United States as a world leader in environmental protection and scientific study and the sharing of that information. Killing these programs will not hurt these sites in the U.S. They are already protected and will remain so. Yellowstone and Glacier National Parks will still be national parks if we withdraw from the World Heritage Convention. The Everglades will still be protected if we stop our scientific study under the Man and the Biosphere program.

But this action will send a signal around the world that we no longer value the kind of environmental protection and scientific study that we as a Nation pioneered and asked the world community to join.

We have seen this amendment a number of times in the last several years and the House has rejected this amendment each and every time because in fact a majority of the House understands the nature of the scientific study, the importance of designating these sites as World Heritage areas, and they also understand that this is a voluntary program. The fact that the process takes place in Belgium or in Paris or somewhere else, this is an international body. This is an international body. So that should not be foreign to the Members of Congress and that is one of the reasons why it is in this legislation. This is an international organization to foster the protection of these huge, huge world class environmental assets. The size of these assets is immaterial. Some of them are there because nations decided that these landscapes, these huge areas should be protected as we did with the

Everglades, as we did with Grand Canyon, as we did with Yellowstone. That is the purpose of this program. The international scientific study is there so scientists in one country can help other scientists learn about the kind of protections, about the kinds of programs that work to protect these environmental assets.

Mr. Chairman, I rise in strong, strong opposition to this amendment.

This amendment is a late-night, backdoor attempt to kill two programs that critics of those programs have been unable to kill in the light of day. Legislation to abolish the Man and the Biosphere and World Heritage Programs failed in 1996 and 1997 and looks like it may fail again this year. So we are here tonight to short circuit the process with a little amendment buried in a huge appropriations bill.

The World Heritage Convention is an international treaty, conceived and spearheaded by the United States during the Nixon administration, under which countries voluntarily identify culturally and environmentally significant areas within their own borders and promise to continue protecting them.

1. The program is totally voluntary.

2. The land must already be protected in order to be nominated, it is not protected after its nominated.

3. The only power the World Heritage Committee has is, if the country who nominated the site goes back on its promise to protect that area, the Committee can drop the site from the list.

The Man and the Biosphere program identifies protected areas where scientists can study entire ecosystems and then set up a framework where those scientists can share their information internationally.

The framework documents which control the Man and the Biosphere program and the World Heritage Convention both contain language making clear that they in no way alter the ownership or control of these lands.

So if these programs are so innocuous, what's the big deal if we abandon them?

Well, since the United States was the first signatory of the World Heritage Convention in 1973, 152 other nations have followed suit. This convention was not only a promise to live up to our own standards for protecting these sites, it was an invitation to other countries around the world to follow suit.

These two programs have established the United States as a world leader in environmental protection and scientific study. Killing these programs won't hurt these sites in the United States. They are already protected and will remain so. Yellowstone and Glacier National Park will still be national parks if we withdraw from the World Heritage Convention and the Everglades will still be protected if we stop our scientific study of that area under the MAB program.

But, this action will send a signal around the world that we no longer value the kind of environmental protection and scientific study that we pioneered. We would be relinquishing our role as a world leader in the protection and preservation of culturally and environmentally important areas.

Why at a time when the Nation is justifiably proud of its role as a world leader in so many areas, would we want to abdicate our role as a world leader in perhaps the most important fight of all, the fight to protect and preserve this planet for generations to come?

This amendment is an attempt to short circuit the will of the Congress and it would send a terrible signal to the rest of the world. Oppose the Tancredo amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume. The opponents of the amendment have suggested that in fact we have seen this many times before and it has been turned down by the House. In fact, the House has passed and the Congress has passed this amendment more than once on other programs, on other appropriations. I refer specifically to the State Department authorizations for fiscal year 1998 and 1999, agreed to by recorded vote of 222-202. The Interior appropriations bill, fiscal year 1998, agreed to 222-203. The Department of Defense Appropriations Act, 1998, all of these.

For one thing Mr. Chairman, these two programs actually receive funding from a variety of different organizations and a variety of different departments, and so you have to go after them as you see them arise. That is why we have had to do this before. But each time, at least in the situations that I have identified, they have been passed by this House.

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

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I will defend the committee position in opposing reluctantly the distinguished gentleman from Colorado's amendment to our bill.

Mr. Chairman, I think it is important to note that the House Committee on Appropriations mark for the IO&P account is \$167 million, which is \$25 million below the administration's request. An additional reduction of \$2 million to this account would further erode our ability to gain international cooperation in protecting the environment and natural resources.

A \$2 million reduction to the IO&P account exceeds our voluntary contribution to the Man and the Biosphere program, \$355,000, and the World Heritage Fund, \$450,000. As a result, this amendment would force reductions in other worthwhile scientific and educational activities, such as the Intergovernmental Oceanographic Commission and the International Council of Scientific Unions at a time when we look toward science to increase our understanding of global environmental problems.

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

Ms. PELOSI. I yield to the gentleman from Colorado.

Mr. TANCREDO. I thank the gentlewoman for letting me interject here. The fact is that we have amended our own amendment. We do not strike any particular dollar amount, we just prevent funds from going for these two programs. It actually would go other places in the bill.

Ms. PELOSI. Reclaiming my time, I thank the gentleman. We need to make those contributions to the Man and the

Biosphere program. Everything else is fully funded.

Mr. Chairman, I urge my colleagues to vote "no" on the amendment. I commend the distinguished gentleman from California (Mr. GEORGE MILLER) for his leadership on this issue.

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

There have been a number of comments made with regard to the original treaty obligations of the United States, but concerning the Man and the Biosphere program, Congress has never gone on record either authorizing or supporting such a program to be carried out. Furthermore, many people have raised the issue as to the treaty obligation for the World Heritage Fund. This, however, is not true.

In article 16, paragraph 2 of the convention concerning the protection of world cultural and natural heritage, it states that each state may declare at the time of ratification that it shall not be bound by the provisions of paragraph 1 which deals with the payment of regular contributions to the World Heritage Fund. Likewise on October 26, 1973, the Senate consented to the ratification of the convention subject to the declaration that the United States is not bound by provisions dealing with regular contributions to the World Heritage Fund. The Senate has the power to ratify, but this House has the responsibility of the public purse. We are not bound to contribute to the program with the hard-earned money of the American people.

I strongly urge support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 263, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Kucinich:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used by the Overseas Private Investment Corporation for any category A Investment Fund project, as listed in Appendix E, Category A Projects, of the Corporation's Environmental Handbook of April 1999, as required pursuant to Executive Order 12114 and section 239(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(g)).

The CHAIRMAN. Pursuant to the order of the House of Thursday, July

29, 1999, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

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

The CHAIRMAN. The gentleman from Alabama reserves a point of order.

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

Mr. Chairman, my amendment cuts funding to environmentally sensitive Overseas Private Investment Corporation fund projects, such as oil refineries, chemical plants, oil and gas pipelines, large scale logging projects, and projects near wetlands or other protected areas. Current OPIC investment funds are not subject to any transparency requirements. Furthermore, no specific information on these projects is contained in OPIC's annual reports.

As a consequence, Congress, the public and the residents living near OPIC projects have no knowledge of the potential environmental and related financial and political risks. What is the taxpayer's interest in these projects?

Taxpayers are liable for OPIC investments overseas if they fail. I want to repeat that. Taxpayers are liable for OPIC investments overseas if they fail. Private corporations and investors make investments in OPIC investment funds. OPIC-supported funds, in turn, make direct equity and equity-related investments in new, expanding and privatizing companies in "emerging market" economies. While taxpayer money is not actually invested in these funds, taxpayers are liable for the investments should they fail. These funds have invested in more than 240 business projects in over 40 countries. Recent estimates show that the total amount in Investment Fund programs will soon reach \$4 billion.

Since taxpayers are exposed to millions of dollars of potential liabilities, I believe OPIC has a responsibility to Congress and to the public to operate in an open and transparent manner. The lack of environmental transparency conceals environmentally destructive investment of these funds not only from Congress and the American public but also to locally affected people in the countries where OPIC projects are run.

For example, a 1996 Freedom of Information lawsuit focusing on OPIC activity in Russia revealed that an investment fund project was involved in a clear cutting of primary ancient forests in northwest Russia. Russian citizens, expecting democracy building assistance from the U.S. Government, had not been provided with any environmental documentation. In fact, according to documents obtained in a lawsuit, an OPIC consultant had falsely documented the Russian citizens' support for the harmful, irreversible logging of pristine forests.

OPIC investment funds have also been involved in a gold mine in the

Cote d'Ivoire in the area of a primary tropical forest which is opposed by local citizens. Reports of other troubling projects are also being circulated. Conservation groups have filed Freedom of Information requests to obtain the names, nature, location and environmental impact assessments for all OPIC investment fund projects. OPIC, however, continues to conceal the environmental consequences of these questionable investments from the public.

What little information has been uncovered about these funds reveals a checkered environmental record. With environmentally and socially sensitive projects being a main focus of the funds, public disclosure of environmental impact assessments is even more crucial.

Organizations such as the National Wildlife Federation, Friends of the Earth, Institute for Policy Studies, Environmental Defense Fund, Sierra Club, Center for International Environmental Law and Pacific Environment and Resources Center have long advocated increased transparency in OPIC investment fund projects.

Representatives of these organizations met with the new OPIC President in February, where he agreed with their assertion that these funds should be transparent when it comes to the environment. OPIC recently launched a \$350 million equity fund for investment in sub-Saharan Africa which will include transparency and public disclosure provisions. But, Mr. Chairman, there are still 26 other funds which remain shrouded in secrecy. With almost \$4 billion invested in these programs and OPIC's sketchy environmental record, it is ever more important that OPIC be held accountable to the public regarding its investment in environmentally sensitive projects.

□ 2200

Mr. CALLAHAN. Mr. Chairman, it is my understanding that it is the intent of the gentleman to withdraw his amendment.

That being the case, I will withdraw my reservation of objection and claim the opposition time.

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding this time to me. So with almost \$4 billion invested in these programs and OPIC's sketchy environmental record, it is ever more important that OPIC be held accountable to the public regarding its investment in environmentally sensitive projects. The ideal legislation to correct the lack of transparency in investment fund projects would require the public disclosure of environmental impact assessments conducted on all new investment projects.

It would also allow for public commentary where citizens, especially

those living in the affected area of the project, could voice their opinions of the project. In the case of projects already under way, a renegotiation of contracts to allow for public disclosure would be required to avoid breach of contract concerns. In the absence of legislation like this and because of the limitations of appropriations bills, my amendment simply cuts funding for environmentally sensitive investment fund projects. If we cannot have full transparency in all investment fund projects, then OPIC should not be involved in projects that are environmentally sensitive.

While projects like oil refineries, gas and oil pipelines, chemical plants that produce hazardous or toxic materials, and large-scale logging projects may be necessary for the industrial development of developing countries, holding the U.S. taxpayers liable for investments in projects that could pose serious environmental or health risks to local populations with no public oversight or disclosure is unacceptable.

It is OPIC's policy, as outlined in the Environmental Handbook to conduct rigorous internal Environmental Impact Assessments on all environmentally sensitive projects. Environmental impact assessments are also required by law as found in Executive Order 12114 and Public Law 99-204. However, while the assessments for insurance and finance projects are publicly disclosed, assessments on Investment Fund projects are not. Accountable government demands that these assessments be disclosed.

Mr. Chairman, my amendment is endorsed by Friends of the Earth, Environmental Defense Fund, U.S. Public Interest Research Group, Sierra Club, Defenders of Wildlife, Center for International Environmental Law, Pacific Environment and Resources Center, Rainforest Action Network, Institute for Policy Studies and Amazon Watch.

I urge my colleagues to support my amendment and shed some light on OPIC's environmentally sensitive Investment Fund projects.

Mr. BEREUTER. Mr. Chairman, as vice chairman of the International Relations Committee, this Member rises in strong opposition to the Kucinich amendment which would cut the funding of the Overseas Private Investment Corporation's (OPIC) Investment Fund program. While this Member shares the distinguished gentleman's concern about funding only environmentally responsible projects, given that OPIC already has an effective environmental review program, it appears that the underlying purpose of this amendment is to drastically cut and restrict OPIC under the guise of environmental protection. Mr. Chairman, we have already had this debate on the Andrews amendment.

Contrary to the claims of some OPIC opponents, all of OPIC's fund investments must meet stringent world class environmental standards. These standards are higher than any other bilateral export credit, investment or insurance agency in the world. In fact, no other investment funds program has higher standards. OPIC requires that each environmentally sensitive fund investment must undergo a complete environmental impact assessment and must meet OPIC obligations to mitigate potential environmental harm. Each funds project is subject to OPIC environmental

monitoring over the life of the project. This includes the Russian forest project which has been cited and about which this Member has been informed did meet applicable World Bank Environmental Standards.

Moreover, by imposing new, additional standards by Congressional fiat and well beyond those established at the time the fund was established, this amendment could potentially expose the U.S. taxpayer to lawsuits for breach of contract.

The Kucinich amendment as written would directly undercut U.S. assistance programs to the neediest of developing countries and leave the environments of these countries open to unregulated exploitation. For example, the new \$350 million Africa Infrastructure Fund would not be able to make the most of its potential investment because infrastructure, by definition, tends to involve environmentally sensitive programs. These investments, under current laws and regulations, must follow sound environmental standards. This initial \$350 million investment is expected to leverage another \$2 billion in investment in Sub-Saharan Africa. It is unlikely that the Africa Infrastructure Fund could even raise private sector money under the conditions required by the pending Amendment. As a result, the benefits that Africa so desperately needs will be lost. This includes environmental improvement projects in the areas of clean water, forest protection and conservation of natural resources. Indeed, if unable to access resources from the Africa Infrastructure Fund, African nations will be forced to run to other sources of investment including those that may not require the same standards of environmental responsibility as we do thereby resulting in further exploitation of and damage to Africa's fragile environment.

This Member would refer his colleagues back to all of the sound reasons detailed during the debate we just had on the Andrews amendment about why OPIC is an important and successful component of American foreign policy and trade promotion. While the approach of the Kucinich amendment may be somewhat different, the cost of it equals that of the Andrews amendment. Mr. Chairman, this Member urges his colleagues to strongly oppose this amendment.

Any projects supported by OPIC in what is called Category A that subsequently change in nature from the description provided in application materials, and will thereby cause material impacts to the environment, shall be required to submit additional EA documents to OPIC that must be acceptable to OPIC in its sole discretion.

Industrial categories:

A. Large-scale industrial plants.

B. Industrial estates.

C. Crude oil refineries.

D. Large thermal power projects (200 megawatts or more).

E. Major installations for initial smelting of cast iron and steel and production of non ferrous metals.

F. Chemicals:

1. Manufacture and transportation of pesticides;

2. Manufacture and transportation of hazardous or toxic chemicals or other materials.

G. All projects which pose potential serious occupational or health risks.

H. Transportation infrastructure:

1. Roadways;

2. Railroads;
 3. Airports (runway length of 2,100 meters or more);
 4. Large port and harbor developments;
 5. Inland waterways and ports that permit passage of vessels of over 1,350 tons.
 - I. Major oil and gas developments.
 - J. Oil and gas pipelines.
 - K. Disposal of toxic or dangerous wastes:
 1. Incineration;
 2. Chemical treatment.
 - L. Landfill.
 - M. Construction or significant expansion of dams and reservoirs not otherwise prohibited.
 - N. Pulp and paper manufacturing.
 - O. Mining.
 - P. Offshore hydrocarbon production.
 - Q. Major storage of petroleum, petrochemical and chemical products.
 - R. Forestry/large scale logging.
 - S. Large scale wastewater treatment.
 - T. Domestic solid waste processing facilities.
 - U. Large-scale tourism development.
 - V. Large-scale power transmission.
 - W. Large-scale reclamation.
 - X. Large-scale agriculture involving the intensification or development of previously undisturbed land.
 - Y. All projects with potentially major impacts on people or serious socioeconomic concerns.
 - Z. Projects, not categorically prohibited, but located in or sufficiently near sensitive locations of national or regional importance to have perceptible environmental impacts on:
 1. Wetlands;
 2. Areas of archaeological significance;
 3. Areas prone to erosion and/or desertification;
 4. Areas of importance to ethnic groups/indigenous peoples;
 5. Primary temperate/boreal forests.
 6. Coral reefs;
 7. Mangrove swamps;
 8. Nationally-designated seashore areas;
 9. Managed resource protected areas, protected landscape/seascape (IUCN categories V and VI) as defined by IUCN's Guidelines for Protected Area Management Categories; additionally, these projects must meet IUCN's management objectives and follow the spirit of IUCN definitions.
- Mr. Chairman, this member will finally include with information as to why the Kucinich amendment on OPIC supports investment funds will kill the new Africa Infrastructure Fund.
- I. The Kucinich amendment is a bullet to the heart of OPIC's \$350-million New Africa Infrastructure Fund.
 - This amendment would:
 - Stop the fund from investing in a majority of infrastructure projects (since many infrastructure projects are environmentally sensitive).
 - Prohibit most investments in clean water, sewage treatment, transportation, electric power and other projects that improve the lives of African people.
 - Undercut the fund's ability to raise the private sector matching funds.
 - Make the fund uneconomical and less able to invest in women and microenterprises.
 - It would deny the benefits of the fund, including:
 - 6,800 new jobs for Africans.
 - Almost \$50 million in annual revenues for the countries of sub-Saharan Africa.
 - \$2.5 billion in additional financing capital to Africa.

\$350 million in exports from the United States.

II. This amendment undercuts the environmental protections and new transparency built into the New Africa Infrastructure Fund

OPIC has world-class environmental standards that apply to all OPIC programs and funds:

All environmentally sensitive projects must undergo a complete environmental impact assessment.

The New Africa Infrastructure Fund projects will provide for public notice and public comment period in the host country.

All environmentally sensitive projects must meet OPIC requirements to mitigate potential environmental harm.

All environmentally sensitive projects are subject to OPIC environmental monitoring over the life of a project.

The New Africa Infrastructure Fund must have at all times an environmental management system and a full-time qualified environmental expert supervising the implementation of OPIC requirements.

III. The amendment would jeopardize investments by two other OPIC-supported Africa funds totaling \$270 million.

These funds:

Would be prohibited from investments in many manufacturing, agricultural, and processing projects as well as many basic services in sub-Saharan Africa.

Will generate more than \$300 million in US exports (estimated).

Will create an estimated 5000 African jobs.

IV. The amendment would harm, rather than help, the environment in Africa.

Because OPIC funds would be prohibited from any environmentally sensitive investment:

Some infrastructure projects will go forward with no obligation or requirement to meet OPIC's world-class environmental standards.

Africa will lose the benefit of OPIC's world-class standards being applied to a broad range of infrastructure, manufacturing and natural resource projects.

V. This amendment will undermine OPIC's ability to fulfill its commitment to create another \$150 million fund for Africa as called for in the House-passed Africa Growth and Opportunity Act.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

AMENDMENT OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS:

Page 116, after line 5, insert the following:

REPORT ON ATROCITIES AGAINST ETHNIC SERBIANS IN KOSOVO

SEC. _____. None of the funds appropriated or otherwise made available by this Act in title III under the heading "PEACEKEEPING OPERATIONS" may be obligated or expended for peacekeeping operations in the Kosovo

province of the Federal Republic of Yugoslavia (Serbia and Montenegro) until the Secretary of State prepares and submits to the Congress a report containing a detailed description of the atrocities that have been committed against ethnic Serbians in Kosovo, including a description of the incident in which 14 Serbian farmers were killed on or about July 25, 1999, and a description of actions taken by North Atlantic Treaty Organization (NATO) forces in Kosovo to prevent further atrocities.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

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

The CHAIRMAN. A point of order is reserved.

Mr. OLVER. Mr. Chairman, I also reserve a point of order.

The CHAIRMAN. The gentleman from Massachusetts also reserves a point of order.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

I come here tonight, Mr. Chairman, just to request a simple study. None of the funds that are appropriated under this act, under the title "peacekeeping operations," they should not be obligated or expended for peacekeeping operations in Kosovo, province of the Federal Republic of Yugoslavia, until the Secretary of State prepares and submits to this Congress a report containing a detailed description of the atrocities that have been committed in this case against the Serbians in Kosovo.

Thirty-four churches, Mr. Chairman, have been bombed since the Air Force, since NATO has stopped their bombing exercise and we declared that we won the war, and of course recently 14 Serbian farmers were massacred on or about July 25, 1999; and my point this evening is that we are going to appropriate more money for peacekeeping operations, and I really think it is appropriate that we get the State Department under NATO, State Department working with NATO, to start to tell us what actually occurred. Are Serbians now seeing reverse cleansing at the expense of the Albanians?

Now there was a recent U.S. Today article that raised so many questions about the Clinton administration talking about their numbers, and they said, quote, "many of the figures used by the administration and NATO to describe the war-time plight of the Albanians in Kosovo now appear greatly exaggerated as allied forces took control of the providence. Instead of 100,000 ethnic Albanian men feared murdered by the rampaging Serbs the estimate now is only 10,000."

So I am hoping to bring to light through the study that I have in my amendment that before we go any further let us find out what has happened in Kosovo and about these 34 churches that have been bombed and the number

of people that have been killed and talking about these 14 Serbian farmers who are massacred. Why not? Let us hear the straight scoop now that we are in control of Kosovo and find out the real story.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Stearns amendment that would call for a report on atrocities against Serbs. A report by the Secretary of State on the atrocities against Serbs in Kosovo and the July 25 massacre is necessary because there must be ongoing accountability for the ongoing atrocities against Kosovar Serbs and Albanians in Kosovo.

Security must be our top priority in the Balkans. Peacekeeping operations are supposed to keep the peace. But there was no peace when 14 Serbian farmers were killed on July 25, 1999, in one of the worst massacres since the end of the war. Who is accountable for this? Who did this? How did this atrocity happen amidst peacekeeping troops? How can we prevent this from ever happening again? We need answers.

A report describing these atrocities will provide answers. More than 146 Kosovar Serbs and Albanians have been killed since the end of the bombing campaign on June 10. More than 150,000 Serbs have fled Kosovo since NATO arrived on June 10. More than 20 Serbian Orthodox churches have been damaged or destroyed since June 10. Only yesterday a Serb Orthodox cathedral in the province's capital, Pristina, was bombed.

These are not signs of peace. For true peace to prevail, there must be accountability of these actions. Peacekeeping operations will amount to nothing if they cannot prevent continued ethnic cleansing. Peacekeeping operations will amount to nothing if the perpetrators of these and other crimes are not brought to justice. This report on atrocities committed against the Serbs including the July 25 massacre is necessary if the NATO-led peacekeeping force intends to prevent any further atrocities from happening in Kosovo.

Again, I support this important amendment, and I ask my colleagues to join me in voting for the Stearns amendment; and again I think we are all concerned about events in Kosovo. We are all concerned about what happened to the Kosovar Albanians. Let justice be consistent, and let us also be concerned about what is happening to the Serbians.

Mr. CALLAHAN. Mr. Chairman, still reserving my point of order, I yield myself such time as I may consume.

I would like to enter into a colloquy with the gentleman from Florida (Mr. STEARNS) about his concerns in Kosovo and mindless killing of innocent Ser-

bian citizens who are trying to do the same thing that the Kosovars were doing when they actually did Kosovar into Albania. We are not going to tolerate that.

With respect to the gentleman's concern about reconstruction in Kosovo, as subcommittee chairman, along with the full committee chairman, we have a full hold on all money going to Kosovo until such time as the administration proves to us that the money is going to be spent for the intended purpose of refugee assistance.

The United States cannot tolerate the slaughter of Serbs. They are faced with the same problem, the same philosophical differences, but in the reverse of the Kosovars; and we cannot tolerate that, and we must insist with the administration at some point, which I think I can do that as chairman of this subcommittee, of accountability.

Give us the accountability of what is taking place there. How can we continue to tolerate this? Or how can we continue not to speak out so openly against the same atrocities that led this Congress to appropriate the millions of dollars that we sent to Kosovo and the front-line states.

So I share my colleagues' concerns, but I still reserve my point of order.

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

Mr. CALLAHAN. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, the gentleman is absolutely correct. And I am sure the gentleman is likewise aware of the fact that another, that other action has granted \$20 million for security for Kosovo, and with the KLA being in charge of the province, it raises questions as to whether or not that money would actually be for the security of the people there or would be to advance the interests of the KLA.

So I thank the gentleman for expressing his concern that was raised by the gentleman from Florida (Mr. STEARNS), and I appreciate the gentleman's sentiments.

ORGANIZED CRIME GANGS RULE KOSOVO

(By Laura Rozen)

Around 30 people a week are being killed in Kosovo as organized gangs take advantage of the U.N.'s failure to police the province.

Nato spokesman Jamie Shea admitted yesterday a "law and order vacuum" has been created by a long delay in deploying U.N. civil administrators and an expected 3,000-strong police force. But he insisted the war-torn province was not yet out of control.

Western diplomats in Pristina say gangs, some of which are suspected of having links to the Kosovo Liberation Army, are taking apartments, real estate, businesses, fuel supplies and cars from Kosovo Albanians and Serbs, who have little recourse to justice.

A British K-For official in Pristina said: "UNMIK (the U.N. interim administration) is unprepared to take over law and order. In the absence of police and legitimate rules, a vacuum has occurred.

"That vacuum is being filled by organized crime. Albanian gangs are inviting Kosovo Serbs to leave their apartments. Now Kosovo Albanians are being invited to leave."

Because so many Kosovo Albanians had identity documents and license plates seized

by Serb forces, and because there are now no border controls, many gangs are moving in unhampered by the 37,000 K-For soldiers.

While the U.N. plans to deploy 3,125 international police, only 400 have arrived. The police commander has decided not to put troops into active service until he has enough to patrol entire areas. Currently, the commander says, his most urgent need is for border police to keep out more gangs and smugglers.

The German K-For commander, General Fritz von Koriff, said his soldier stop cars to search for weapons and frequently come across smuggled items, such as massive amounts of cigarettes, particularly at the Morina-Kukes border crossing. But Nato's mandate does not permit his soldiers to confiscate any item except weapons, and the smugglers are permitted into Kosovo with their loot if it is believed they are from the province.

One of the biggest problems involves gangs showing up at homes to claim ownership and threatening to beat those who refuse to move out.

No statistics are available on the number of property seizures, but anecdotal evidence suggests a growing problem. And, while initially it seemed that seizures were ethnically motivated, and targeted at Kosovo Serbs in the capital Pristina, increasingly Kosovo Albanians are victims as well.

Kosovo's provisional prime minister, KLA leader Hashim Thaci, 31, denied his organization was behind seizures of Kosovo Serb apartments. "We have no such information. We know there are those who have left Kosovo, but we have not forced anybody to leave, or put pressure on them to leave. That is propaganda. Any one who has not committed crimes is free to live in Kosovo."

According to a U.N. police commander, who asked not to be identified, intelligence suggests there are three main types of organized criminal gangs in Kosovo: Russian, Albanian, and those linked to the KLA. Some analysts suggest that the seized apartments and other looted goods are the KLA's way of paying debts to arms procurers, funders and important soldiers and their relatives.

U.N. officials deny the organization's slowness is responsible for Kosovo's growing crime problem. One senior U.N. commander said, unlike K-For, which has been preparing for a Kosovo mission since February, the U.N. wasn't told it was to take over civilian operations in Kosovo until June.

An American involved in the international police force warned that by the time the U.N. police are deployed, criminal gangs will already have their networks set up, and will be as much a menace for Kosovo's Albanian population as they are for the Serbs.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from California.

Ms. PELOSI. Mr. Chairman, I wish to associate myself with my colleagues' remarks, and I look forward to working with them to press upon the administration the concerns that were expressed here by the gentleman from Florida (Mr. STEARNS) and the gentleman from Ohio (Mr. KUCINICH), and I commend them for their leadership on this issue.

Mr. CALLAHAN. Mr. Chairman, to further comment, too, on my comments, as my colleagues know, I have a friend who is from greater Serbia. He now lives in French Guyana. His name is Mr. Nalvik, and Mr. Nalvik has kept

me posted throughout this entire encounter on the feelings of a lot of Serbian people which are diametrically opposed to Mr. Milosevic. So we do have some people in Serbia who deserve some attention, some respect because they did not agree with Mr. Milosevic, but in any event the gentleman's point is taken. I hope he will withdraw it, and if so, I will remove my point of order.

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

Mr. Chairman, I thank the distinguished gentleman from Alabama, and I will withdraw it. I just would like to make a final argument here.

I think the gentleman has touched upon it, and my good colleague from Ohio has touched upon it when he mentions the word "accountability." We need to take taxpayers' money and help people; I understand that. But in the overall understanding of this project, we need to have accountability for the taxpayers' money, how it is being spent.

So with that in mind, and I am hopeful that the chairman will consider part of what I have in report language, if not at least to make the attempt to tell the administration that money will not be given, taxpayers' money will not be given until there is full accountability in this case and that we have balance and fairness.

Mr. CALLAHAN. Before, Mr. Chairman, I had forgotten I told the gentleman from Massachusetts that I would yield to him. Whatever time remaining I have on my point of order, I yield to the gentleman from Massachusetts (Mr. OLVER).

The CHAIRMAN. The gentleman from Massachusetts (Mr. OLVER) is recognized for 2 minutes.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I also would like to associate myself with the comments that have been made by the distinguished chairman of the subcommittee. There is no question that there is no shortage of hatred in Kosovo these days, and I would just point out that the first sizable delegation of Members of the Congress was led by the gentleman from Ohio, the chairman of the Subcommittee on Military Construction, of which I serve as the ranking member; and we saw the attempt on the part of American forces there, having detained some 10 or so Serbian Kosovars and some, almost 30, Albanian Kosovars for a variety of actions, but there are no courts in Kosovo to send those actions to, actions of looting and arson and, in fact, murder.

In this particular instance, the 14 Serbian farmers, and one can surely not condone that kind of activity, already three people have been arrested for that. On the other hand, there have been no arrests and may well never be. In fact, the perpetrators out of the Yugoslavian armed forces are probably quite free and among the elite of the military in Belgrade at this time for

the atrocities; and I could go into a list of them, one after another, the atrocities of 30 and 40 and 50 people who had been killed and burned, hacked apart by machete attack, small children, children as young as 2 years shot in the head, along with aged people thrown into a well along with cows and rocks and so forth as part of the atrocities that were perpetrated there. So there is no shortage of atrocities, but we cannot condone those activities, and I thank the gentleman for withdrawing his amendment.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Florida (Mr. STEARNS) is withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 116, after line 5, insert the following:
SENSE OF THE CONGRESS RELATING TO RESOLUTION OF THE CONFLICT BETWEEN ERITREA AND ETHIOPIA

SEC. ____ The Congress—

(1) expresses its satisfaction with the decision of President Isais of the State of Eritrea and Prime Minister Meles of the Federal Democratic Republic of Ethiopia to agree to the Organization of African Unity (OAU) framework in settling the border dispute between Eritrea and Ethiopia and to enter into proximity talks in Algeria for implementing a cease-fire between the two countries;

(2) encourages the completion of the modality talks between Eritrea and Ethiopia as quickly as possible and encourages the two countries not to renew hostilities;

(3) appreciates the de facto cease-fire agreed to by Eritrea and Ethiopia;

(4) appreciates the efforts of the Organization of African Unity and the Government of Algeria for aiding in the negotiations between Eritrea and Ethiopia; and

(5) in order to more firmly move Eritrea and Ethiopia toward a resolution of the conflict between the two countries, expresses its intent to reconsider its position with respect to Eritrea and Ethiopia if there is a resumption of hostilities between the two countries.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 2215

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just a few minutes ago I rose in opposition to the Burton amendment regarding cutting funds to

India. Part of my reasoning for such strong opposition was to encourage opportunities for peace and the resolution of the conflict and to encourage India to engage in efforts to resolve the tragic conflict and to support India in that effort.

I now rise to express that same kind of support for the terrible tragedy that is occurring in Eritrea and Ethiopia. I rise with a sense of Congress to encourage a peaceful resolution of Eritrea and the Ethiopian conflict and to offer this amendment to acknowledge that there has been progress.

Currently negotiations are being conducted by the State of Eritrea and the Federal Democratic Republic of Ethiopia. These negotiations are in response to their governments' acceptance of the OAU framework, the Organization of African unity framework, to settle the dispute between these two critical on the Horn of Africa.

Our colleague, Mickey Leland, some 10 years ago was continuing to go back and forth to Ethiopia because of the tragedy of the famine. In a few days, it will be 10 years when we lost Mickey Leland in Ethiopia on a humanitarian mission.

I know that his continued efforts there were to ensure that Ethiopia would be a strong nation, peaceful nation, and a friend of the United States.

Now we have an opportunity to encourage Ethiopia and Eritrea to correct and resolve this latest conflict, and I applaud them for agreeing to engage in peace negotiations. The commitment the Prime Minister of Ethiopia and the President of Eritrea to move forward and give their people peace and tranquility should be applauded. The Ethiopia-Eritrea conflict has substantially damaged the economic growth and development of the countries and has led to humanitarian suffering on both sides of the border.

For 30 years, a problem dividing Ethiopia and Eritrea was Eritrea's claim that its people have a right to self-determination. In 1991, this long and costly struggle ended through a coalition built to topple the Ethiopian dictatorship that was not acceptable to either country. For 7 years of peace, both neighbors pursued paths of economic and social development to give rise to the very idea of renaissance, establishing a path to economic growth and a better quality of life for the people.

The border dispute that ignited hostilities has smothered any confidence that things would be really better. The war has taken a vicious toll on the people in the countries. The number of casualties are almost surreal. We have seen reports of over 18,000 victims within 3 or 4 days of fighting. Individual border battles have involved over 90,000 soldiers fighting from various fronts. In Eritrea the army is estimated to be over 250,000 soldiers, men and women, a huge drain on a population of 3.5 people.

That is why I brought to the attention of this Congress my desire for a

sense of Congress to acknowledge the movement, the progress, that has been made, the fact that the OAU agreement has been accepted or at least has been moved on and as well that there are efforts toward trying to resolve this.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York, the Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I share the gentlewoman's concerns that Ethiopia and Eritrea, two fine countries that have already suffered too many years of communist dictatorship, have spent 14 months at war with one another, and the loss has been tragic. We are hopeful now that there is a cease-fire, that they will implement the cease-fire and return to peace. I want to commend the gentlewoman for focusing attention on the cease-fire that is under way.

Ms. PELOSI. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I know that the distinguished chairman of our committee will be calling for a point of order on this sense of the Congress motion, but I did want to take a half a moment to join her in commending our former colleague here, Mickey Leland. When the gentlewoman mentioned that it is 10 years, it seems impossible, but indeed it was 1989. I was with my family in Cairo when we got the bad news. We were all going to join Mickey in Nairobi when he left Ethiopia. Of course, he invited everyone to go to Ethiopia with him.

Fortunately for everyone else, he did not have a large enough plane for everyone. Maybe if he had a larger plane, he would still with be us. Every day I remember him, because his picture is on the wall of my office, holding a baby, that beautiful picture of Mickey Leland. He was there, not helping countries, but helping people.

I am particularly pleased that the gentlewoman at least has us focused on peace in that region because that is what we should be working toward. Once again, I commend the gentlewoman for calling the Congress' attention to this important region of the world.

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

I share the gentlewoman's concern about the war in Ethiopia and Eritrea, and I too am optimistic that the war between these two nations will soon be ending. I remind Members that bin Laden has long utilized Sudan as a terrorist training ground. In fact, Sudan served as a safe-harbor for the bin Laden terrorists who blew up the U.S. embassies in Tanzania and in Kenya. But I sincerely hope that the gentlewoman would withdraw her amend-

ment. I do not want to insist on my point of order, but I must insist if the gentlewoman does not choose to withdraw it.

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

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

Ms. JACKSON-LEE of Texas. If the chairman would allow me just to summarize, then I would like to ask unanimous consent upon my summary to withdraw this amendment.

I appreciate very much the chairman of the Committee, the chairman of the Committee on International Relations and their ranking members for their kind words and agreement with me on the importance of this issue.

Let me close by simply saying that we have at least the makings of the potential of an opportunity for peace. The de facto cease-fire and the work of the government of Algeria in aiding the negotiations between Eritrea and Ethiopia should also be recognized, and hopefully the Congress will continue to monitor this circumstance to avoid the loss of life and certainly in tribute to my predecessor, Mickey Leland and his love for Ethiopia and love for mankind we can monitor the circumstances there.

Mr. GILMAN. Mr. Chairman, I share the gentlewoman's concerns that Ethiopia and Eritrea, two fine countries that have already suffered many years of communist dictatorship, have spent 14 months at war with one another.

I am very hopeful that they will implement the ceasefire and return to peace.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

At the end of the bill, insert after the last section (preceding the short title) the following:

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

SEC. . None of the funds appropriated or otherwise made available by this Act may be made available for—

- (1) population control or population planning programs;
- (2) family planning activities; or
- (3) abortion procedures.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama will control the time in opposition to the amendment.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent to transfer my 5 minutes to the gentlewoman from California (Ms. PELOSI), and that she may yield said time.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

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

Mr. PAUL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment is straightforward. It prohibits the use of any money for population control, family planning, or abortion of any funds authorized in this bill, appropriated in this bill.

Mr. Chairman, the question really is this: Should the American taxpayer be required to pay for birth control pills, IUDs, Depo-Provera, Norplant, condom distribution, as well as abortion in foreign countries. Those who believe this is a proper and legitimate function will vote against the amendment. Those who believe that it is not a proper function for us to be doing these things around the world would vote for my amendment.

Mr. Chairman, I mention abortion because although this bill does not authorize funds directly for abortion, any birth control center that is involved that receives funds from us and are involved with abortion, all they do is shift the funds. All funds are fungible, so any country that we give money to that is involved with abortion, for whatever reason, or especially in a family planning clinic, can very easily shift those funds and perform abortions. So this is very, very clear-cut.

I would like to spend a minute though on the authority that is cited for doing such a thing. Under the House rules, the committee is required to at least cite the constitutional authority for doing what we do on each of our bills. Of course, I was curious about this, because I was wondering whether this could be general welfare. This does not sound like the general welfare of the U.S. taxpayer, to be passing out condoms and birth control pills and forcing our will on other people, imposing our standards on them and forcing our taxpayers to pay. That does not seem to have anything to do whatsoever with the general welfare of this country.

Of course, the other clause that is generally used in our legislation is the interstate commerce clause. Well, it would be pretty tough, pretty tough, justifying passing out condoms in the various countries of the world under the interstate commerce clause.

So it was very interesting to read exactly what the justification is. The Committee on Appropriations, quoting from the committee report, the Committee on Appropriations bases its authority to report this legislation from

clause 7, section 9 of Article I of the Constitution of the United States of America, which states "no money shall be drawn from the Treasury but in consequence of appropriation made by law." "Appropriations contained in this act," the report says, "are made pursuant to this specific power granted by the Constitution."

That is not a power. That was a prohibition. It was to keep us from spending money without appropriation. If this is true, we can spend money on anything in the world, and the Constitution has zero meaning. This cannot possibly be.

So all I would suggest is this: Be a little more creative when we talk about the Constitution. There must be a more creative explanation on why we are spending these kinds of monies overseas.

Ms. PELOSI. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI), defending the position of the committee.

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

Mr. Chairman, I rise in very strong opposition to the Paul amendment, and it is not even reluctantly. It is with grave disappointment, frankly, that this amendment is even being proposed, though I respect the gentleman's right to do so, and I respect the gentleman.

If this Paul amendment would be enacted, it would cause deaths and suffering for millions of women and children. I say that without any fear of contradiction.

Of course, we all want to reduce the number of abortions performed throughout the world, and the best way to do that is to promote family planning. It seems hard to believe that the gentleman would stand up and say he does not know why it is in our national interests that we improve the plight of children, poor children and families throughout the world by allowing them the opportunity to make decisions for themselves about the timing and the number of children that a family would have, or that the impact that this has on women, alleviating poverty, raising the literacy rate, and, again, giving more empowerment to women by having them control their own destinies.

The issue of population, certainly we understand that our world's resources are finite. I think that most would agree that it is in our interests as well as the interests of every person living on this Earth that we husband our resources very carefully, and that includes curbing uncontrolled population growth. I say that as one who does not support any forced measures in that end, but voluntary efforts to that end.

This amendment would close the most effective avenue to preventing abortions. The gentleman says that well, if we spend this money, then the organizations that use this money but also perform abortions have this underwriting, or the money is fungible, and, therefore, we are supporting abortions.

I think the gentleman knows full well that no funds may be used for abortion procedures. That is the law of the land. We reiterate it every time we have a discussion on this subject. If you are going to apply fungibility, you would have to apply it to everything we do here. I do not know why all of a sudden when it comes to international family planning, fungibility becomes a principle, but when we are dealing with the defense bill or any other appropriations, we never say that giving money for this, that or the other purpose helps that country underwrite some practices that we might not approve of.

The amendment would end a more than 30-year-old program recognized as one of the most successful components of U.S. foreign assistance. Tens of millions of couples, Mr. Chairman, in the developing world are using family planning as a direct result of this program, and the average number of children per family has declined more than one-third since the 1960's.

Three out of four Americans surveyed in 1995 wanted to increase or maintain spending on family planning for poor countries. I was, this year, in India and saw what happened in those states where there was effective family planning as opposed to what was the plight of the people in areas where the women did not have access to this family planning information.

So I believe that this amendment would be contrary to the interests and values of the vast majority of the people in the world, and certainly, speaking in our own terms, of the American people. In February 1997, both the House and the Senate showed their commitment to the USAID International Family Planning Program by voting for the early release of funds specifically for this program.

□ 2230

We had to have a vote at that time.

Mr. Chairman, I see some of my colleagues on their feet, and I am pleased to yield to the distinguished gentleman from New York (Mr. GILMAN), chairman of the authorizing committee, the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I want to associate myself with the remarks of the gentlewoman from California (Ms. PELOSI). Population control, population planning is so important today. That is the next crisis that we are to be confronted with. The growth of populations around the world are going to lead to hunger in impoverished areas. And where we have hunger and poverty, we soon have hostility.

The best way to prevent that is to help with family planning and with population control. And I thank the gentlewoman for her arguments in opposition to this amendment.

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

Ms. PELOSI. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, it is my duty in this House as chairman of

this subcommittee to draft a bill. And in order to draft a bill, I have to depend upon a very able staff which really did the drafting of this 119 pages of law that hopefully will be passed tomorrow morning.

But upon my instruction, I would like to reiterate, and I know the gentleman from Texas (Mr. PAUL) has already brought it out, but since I am responsible for writing this bill, the bill says that none of the funds made available under this heading may be used to pay for the performance of abortions as a method of family planning.

So I just wanted to make perfectly clear my position as the author of this bill with respect to abortions.

Ms. PELOSI. Mr. Chairman, reclaiming my time, the gentleman's position on this is well-known.

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

Mr. Chairman, the gentlewoman makes the point that we should not use the abortion issue to talk about fungibility and I believe that she is correct. I think it should apply to everything. This is the reason I do strongly oppose Export-Import Bank money going to Red China. Their violations of civil liberties and abortions are good reasons why we should not do it, and yet they are the greatest recipient of our foreign aid from the Exim Bank. \$5.9 billion they have received over the years.

So I would say, yes, the gentlewoman is correct. All of these programs are fungible. And I agree that the wording in the bill says that our funds cannot be used. But when we put our funds in with other funds, all of the sudden they are in a pool and they can shift them around and there is a real thing called fungibility.

So once we send money to a country for any reason, we endorse what they do. Therefore, we should be rather cautious. As a matter of fact, if we were cautious enough we would not be in the business of taking money at the point of a gun from our American taxpayer, doing things that they find abhorrent around the world and imposing our will and our standards on them.

Mr. Chairman, birth control methods are not perfectly safe. As a gynecologist, I have seen severe complications from the use of IUDs and Depo-Provera and Norplant. Women can have strokes with birth control pill. These are not benign.

And my colleagues say we want to stop the killing and abortions, but every time that the abortion is done with fungible funds, it is killing a human being, an innocent human being. So for very real reasons, if we were serious about stopping this and protecting the American taxpayer, there is nothing wrong with some of these goals. I agree. As a gynecologist, I would agree with the goals, but they should not be done through coercion. They should be done through voluntary means through churches and charities. That is the way it should be done.

Mr. Chairman, we do not have the authority to coerce our people to work hard, pay their taxes, and then take the money into foreign countries and impose our will on them.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 263, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

The amendment offered by Ms. JACKSON-LEE of Texas:

Page 116, after line 5, insert the following:

SEC. ____ (a) Of the amounts made available in title III under the account "INTERNATIONAL MILITARY EDUCATION AND TRAINING", \$4,000,000 made available for the United States Army School of the Americas is transferred as follows:

(1) \$2,000,000 is transferred to the account "ECONOMIC SUPPORT FUND" in title II and made available for providing training and education of Tibetans in democracy activities and for monitoring the human rights situation in Tibet.

(2) \$2,000,000 is transferred to the account "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" in title II and made available for the Tibetan refugee program.

(b) Of the funds appropriated in this Act in title II under the account "ECONOMIC SUPPORT FUND", not less than \$2,250,000 shall be made available for providing training and education of Tibetans in democracy activities and for monitoring the human rights situation in Tibet.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order against the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in actuality I wish I did not have to rise to the floor to offer this amendment. I wish that Tibet was living in peace and harmony. I wish the Dalai Lama who is in exile, who I had an opportunity to meet and discuss these issues with, was free to go back to Tibet.

My amendment offers to provide \$4 million to the Economic Support Fund to provide training and education of

Tibetans in democracy activities and for monitoring the human rights situation in Tibet made worse by the activities of China. In addition, we would offer additional funds to be of assistance to the Tibetan refugee program.

Mr. Chairman, there is a need for something to be done. As we recently remembered the 10th anniversary of the Tiananmen Square tragedy, we continue to acknowledge the human rights abuses imposed by the Chinese government. Whether on the mainland or other areas, the Chinese have shown themselves to be opposed to the basic human rights principles we all aspire to achieve.

The Chinese have tripled their missile threat to Taiwan. China does not understand they cannot force a free and democratic Taiwan to unify and that they should accept its existence.

We still watch as China continues its occupation of Tibet. Since 1951, when the People's Republic of China invaded Tibet, hundreds of thousands of Tibetans have been killed outright or have died as a result of aggression, torture or starvation. Over 6,000 monasteries and temples have been destroyed. China has implemented a consistent pattern of suppression in an attempt to eradicate the Tibetan culture.

The continued population transfer of Chinese to Tibet threatens the existence of the unique national, cultural, and religious identity of the Tibetan people. The fragile Tibetan plateau is seriously threatened by the exploitation of its environmental resources by China.

The Tibetan people have demonstrated repeatedly for independence from China. Their struggle is nonviolent and worthy of special attention. It is important to provide funding to encourage them in their efforts, encourage them in democracy, encourage them in being able to monitor the various human rights abuse.

Indeed, when in 1989 the Dalai Lama, leader of the Tibetan people, received the Nobel peace prize, the international community documented its commitment to free Tibet. There are 110,000 Tibetan refugees living in 53 settlements in India, Nepal and Bhutan. Over 1.2 million Tibetans have died in a widespread program of imprisonment torture and executions orchestrated by China. Tibet's unique culture and Buddhist religion have been systematically suppressed as China has looted Tibet's enormous mineral wealth, natural resources, and priceless art treasures, transporting them back to China to fuel its own economic growth.

Mr. Chairman, I would like to congratulate the Committee on International Relations for its removal of \$8 million from the World Bank to avoid this so-called apartheid system where there was a movement of 50,000 Chinese farmers into Tibet creating almost an apartheid system where the Tibetans would not have the good jobs or opportunities, but the Chinese would.

Coercive birth control policies, including forced abortion and steriliza-

tion, are continuing to wipe out the Tibetan people. It is important that the children be foremost in our focus on peaceful efforts to return Tibet to its people and to bring the Dalai Lama home.

I rise Mr. Chairman to offer an amendment which will take \$4 million out of the fund which contains the Foreign Ops funding for the School of the Americans, and redistribute it to the Economic Support Fund and the Emergency Refugee and Migrations Assistance Funds for specific use in Tibet.

As we recently remembered the 10th anniversary of the Tiananmen Square tragedy we continue to acknowledge the human rights abuses imposed upon the people by the Chinese government. Whether on the mainland or in other areas, the Chinese have shown themselves to be opposed to the basic human rights principles we all aspire to achieve.

The Chinese have tripled their missile threat to Taiwan. China does not understand they cannot force a free and democratic Taiwan to unify and that they should accept Taiwan as a friendly and independent neighbor and establish diplomatic ties.

And we all still watch as China continues its occupation of Tibet. Since 1951, when the People's Republic of China invaded Tibet hundreds of thousand of Tibetans have been killed outright or died as the result of aggression, torture or starvation. Over 6,000 monasteries and temples have been destroyed. China has implemented a consistent pattern of suppression in an attempt to eradicate the Tibetan religion and culture.

The continued population transfer of Chinese to Tibet threatens the existence of the unique national, cultural and religious identity of the Tibetan people.

The fragile Tibetan plateau is seriously threatened by the exploitation of its environmental resources by China.

The Tibetan people have demonstrated repeatedly for independence from China. Their struggle is nonviolent and worthy of special attention. Indeed, when in 1989, the Dalai Lama, the leader of the Tibetan people, received the Nobel Peace Prize the international community documented its commitment to a free Tibet.

There are about 110,000 Tibetan refugees living in 53 settlements in India, Nepal and Bhutan. Over 1.2 million Tibetans have died in a widespread program of imprisonment, torture and executions orchestrated by China.

Tibet's unique culture and Buddhist religion have been systematically suppressed as China has looted Tibet's enormous mineral wealth, natural resources and priceless art treasures, transporting them back to China to fuel its own economic growth.

An apartheid system is in place, following the mass migration of Chinese into Tibet. These immigrants now dominate the economy and hold all the best jobs. Employment prospects for Tibetans are virtually nonexistent.

Coercive birth control policies, including enforced abortion and sterilization, are completing the policies of wiping out Tibet's identity forever. We watch China, the world's most oppressive police state, control Tibet. There are between a quarter and half a million Chinese troops in Tibet. China permits no news media in Tibet. Amnesty International and foreign diplomats are refused permission to visit. Tibetans in Tibet are liable to interrogation, imprisonment and torture for having unofficial contact with foreigners.

Tibet covers an area the size of Western Europe and is the world's highest plateaus. The Culture is magnificent and unique. Until 1950, Tibet had retained that ancient culture.

My amendment would offer additional hope to the Tibetan people that the international community, particularly the United States is supportive of their independence and that we are providing resources for improved systems and enhancement of aid programs.

The United States Army School of the Americas will have \$4 million of its appropriations transferred to a true democratic cause. Our efforts to provide international military training and education to the armed forces in Latin America has at best led to questionable practices by its graduates. We want democracy. We want to see our funds used to support the development of democracies. The Tibetans want democracy. Some graduates of the School of the Americas have not demonstrated such a commitment.

Graduates of the United States Army School of the Americas include some of the worst human rights abusers in the Western Hemisphere, including 19 Salvadoran soldiers linked to the 1989 murder of six Jesuit priests and their housekeeper and her daughter. Two of the three officers cited by the Guatemalan archbishop's office are suspected of the killing of anthropologist Myrna Mack in 1992, as well as three top leaders of the notorious Guatemalan military intelligence unit D-2 were graduates of the School of the Americas.

One-half of the 247 Colombian army officers cited in the definitive work on Colombian human rights abuses, *El Terrorismo de Estado en Colombia*, in 1992 were graduates of this School.

Ten of the 30 Chilean officers against whom a Spanish judge in 1998 requested indictments for crimes of terrorism, torture and disappearance as well as the El Salvador death squad leader Roberto D'Aubuisson graduated from the School of the Americas.

Two of the three killers of Archbishop Oscar Romero of El Salvador and 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village El Mozote are graduates.

And the most notorious for us, three of the five officers involved in the 1980 rape and murder of four United States churchwomen in El Salvador graduated from the School of the Americas.

Reducing funding for this School does not prevent the United States from providing appropriate training for military personnel of Latin American armed forces. It is conceivable that by our actions a better military training and education program can be developed. With a most improved screening process for potential students.

I urge you to support my amendment for democracy.

Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, the gentlewoman from Texas (Ms. JACKSON-LEE) has done an outstanding job of focussing attention on the violations by the People's Republic of China with regard to the Tibetan people. We cannot give enough attention to the occupation of the People's Republic of China in Tibet and we welcome the gentlewoman's remarks.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I would point out that on page 39 of the committee report, we recommend that \$250,000 be made available for democracy training and education activities for Tibetans. In addition, on page 55 of the report, we recommend \$2 million for continued humanitarian assistance for the Tibetan refugees.

So the committee has already addressed the concerns of the gentlewoman from Texas. We do not earmark, as she well knows, in our bill. This amendment would earmark and, therefore, I must continue to, number one, reserve my point of order.

Mr. CALLAHAN. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. Callahan) is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, the gentlewoman from Texas (Ms. JACKSON-LEE) I commend for bringing the plight of Tibet to the attention once again of our colleagues. The gentleman from Alabama (Mr. CALLAHAN), our distinguished chairman, has been most cooperative on this issue of Tibet. It is a priority for many of us on the committee. And, of course, the gentleman from New York (Mr. GILMAN), chairman of the authorizing committee, has been a champion on the Tibet issue for a long time.

But as the gentleman from Alabama said, the funds are in the bill already because this is a priority. The plight of the people of Tibet challenges the conscience of the world and by and large the world ignores their plight. Our bill does not, and the more attention we can call, the better.

Mr. Chairman, even though this may not be able to be received by the full House this evening, nonetheless, the bright light that the gentlewoman focuses on Tibet once again is appreciated and will contribute to freedom there one day.

Mr. CALLAHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to conclude by simply thanking both the ranking member and the chairman for the efforts that have been made in the Subcommittee on Foreign Operations, Export Financing and Related Programs, as well as that of the chairman of the Committee on International Relations. My effort tonight was to provide more resources because of the horrific situation in Tibet. The abuse of human rights and the exile of the Dalai Lama.

I would like to continue to work with all of the committees and as well the

chairman, ranking member of the subcommittee and the Chairman of the Committee on International Relations as we try to bring peace and dignity to the Tibetan people.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PAUL:

Page 116, after line 5, insert the following:
LIMITATION ON FUNDS FOR EXPORT-IMPORT BANK OF THE UNITED STATES, OVERSEAS PRIVATE INVESTMENT CORPORATION, AND THE TRADE AND DEVELOPMENT AGENCY

SEC. . None of the funds made available pursuant to this Act for the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency, may be used to enter into any new obligation, guarantee, or agreement on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 29, 1999, the gentleman from Texas (Mr. PAUL) and the gentleman from Alabama (Mr. CALLAHAN) each will control 5 minutes.

The gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

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

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

Mr. Chairman, this amendment provides that no funds for new obligations, guarantees, or agreements can be issued under the Export-Import Bank under OPIC or under the Trade Development Agency. This again is an attempt to try to slow up the amount of dollars that flow into corporations and for their benefit specifically as well as our foreign competitors.

China, for instance, receives the largest amount of money from the Export-Import Bank. Outstanding liabilities for the Export-Import Bank is now \$55 billion. There is \$5.9 billion that have been granted to the Chinese.

Last week we had a very important vote on trade. It was hotly debated over human rights issues. I voted to trade with China because I believe it is proper to trade with people. We are less likely to fight with them. And in this institution, too often we use our terms carelessly and we talk about free trade as being something which is managed trade. Free trade here generally means that we will have the NAFTA people managing trade, the World Trade Organization managing trade, and we will subsidize our businesses.

Just this past week we had the World Trade Organization rule against us saying that we grant \$2 billion worth of

tax benefits to our own corporations and they ruled that that was illegal. This is all done in the name of free trade.

I say that we should have free trade. We should trade with our friends and with anybody who would trade that we are not at war with. We should really, really be careful about issuing sanctions. But here we are, last week we had the great debate and a lot of people could not stand the idea of trading with Red China because of their human rights record and I understand that, although I did not accept that position. But this is the time to do something about it.

Trading with Red China under true free trade is a benefit to both of us. It is a benefit to our consumers and it benefits both countries because we are talking with people and we are not fighting with them. But it gets to be a serious problem when we tax our people in order to benefit those who are receiving the goods overseas.

□ 2245

Now, if there is a worldwide downturn, this \$55 billion of liabilities out there could be very significant in how it is going to be paid back. The Chinese right now, their economy is not all that healthy. They are talking about a devaluation.

So this is a liability that the American taxpayers are exposed to. If we do have a concern about Red China and the Chinese, yes, let us work with them, let us trade with them, but let us not subsidize them.

This is what I am trying to do. I am trying to stop this type of subsidies. So my bill, my amendment would stop any new obligation. It does not close down Export-Import Bank. It allows all the old loans to operate and function, but no new obligations can be made, no new guaranties, and no agreement, with the idea that someday we may truly move to free trade, that we do not recognize free trade as being subsidized trade as well as internationally managed trade with organizations such as NAFTA and World Trade Organization.

Those institutions are not free trade institutions. They are managed trade institutions for the benefit of special interests. That is what this type of funding is for is for the benefit of special interests, whether it is our domestic corporation, which, indeed, I would recognize does receive some benefit.

Sixty-seven percent of all the funding of the Export-Import Bank goes to, not a large number of companies, to five companies. I will bet my colleagues, if they look at those five companies in this country that gets 67 percent of the benefit and look at their political action records, my colleagues might be enlightened. I mean, I bet my colleagues we would learn something about where that money goes, because they are big corporations and they benefit, and they will have their defenders here.

It is time we look carefully at these subsidies.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise in opposition to the amendment. In doing so, I want to correct the record. Those of us who were asking for raising tariffs on products coming from China were not interested in cutting off trade with China. What we were doing is to say, let us have the same reciprocity between our two countries as we would expect from other countries.

But then to use that and say it is all right to give a \$70 billion trade surplus to the regime so they can strengthen their hold on the people of China but we should take out our concerns with China on the Ex-Im Bank I think is very inappropriate. That is why I oppose it.

The Ex-Im Bank does not subsidize the Chinese government. The Ex-Im Bank subsidizes U.S. manufacturers selling into countries, including China.

The Paul amendment would not allow the Export-Import Bank to assume any new business. This would mean that all of the Ex-Im's resources would be used to liquidate existing transactions. In other words, Ex-Im would slowly, gradually shut down.

I agree with the gentleman that we must subject the Ex-Im, OPIC, and all of these institutions to harsh scrutiny. Are they performing the task that is their established purpose, to promote U.S. exports? The Ex-Im Bank, I think, from the scrutiny we subjected to in our committee does that.

The gentleman's amendment is ill-advised. The same would apply to OPIC, which, by the way, does not operate in China.

So I urge our colleagues to oppose this amendment for many more reasons than I have time to go into.

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

Mr. Chairman, we have already discussed the impact of the closing down of OPIC earlier tonight, and my colleagues can see that the will of the House certainly agreed with those of us who think that we must have this competitive level playing field with the rest of the G-7 Nations.

The gentleman from Texas (Mr. PAUL) is absolutely right when it comes to basic sounding good things, a feel-good amendment, when he talks about Ex-Im Bank giving money to Red China. Ex-Im Bank does not give money to Red China. Ex-Im Bank loans money to American businesses to establish programs in Red China. There is no prohibition against Red China coming to the United States to invest with the support of a similar organization in China.

What we are saying is we want to be just like the rest of the world when it comes to global economy. This is a global economy. The only way our peo-

ple can participate in global economy is to have the same advantages as do Canada, as do Japan, as do Germany, as do France. We need this in order to work today in a global economy.

So we are not talking about losing money. That is not the question here. Ex-Im bank is not losing money. We are talking about whether or not we are going to have a financing capability that will enable American jobs to be exported to all of the countries that the gentleman from Texas mentioned.

So, Mr. Chairman, I think it is the same debate that we had on OPIC except this one is twice as bad because, also, he closes down the Ex-Im Bank as well and cuts off the ability of American business people to do business in most any foreign country.

I urge opposition to the amendment.

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

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

Mr. Chairman, I would like to point out that it is truly a subsidy to a foreign corporation, a foreign government. For Red China, corporations and governments are essentially identical. They are not really quite in the free market yet.

But the gentleman from Alabama (Mr. CALLAHAN) points out that, no, that is not true. The money does not go to Red China and they buy things; we just give it directly. We do not even send it round trip. This is true.

We take taxpayers' money. We take taxpayers' guarantee. We give them to those huge five corporations that do 67 percent of the business. We give them the money. But where do the goods go? Do the goods go to the American taxpayers? No. They get all of the liabilities. The subsidies help the Chinese.

So, technically, yes, we do not send the money there. But who is going to pay it back? The Chinese pays the loan back. If they default, who pays the bill if the Chinese defaults? Who pays the bill if they default? It is obviously the taxpayers.

What I am pointing out is that \$5.9 billion that the Chinese now had borrowed from us, from the Export-Import Bank, is a significant obligation that, too, is on the backs of the American taxpayer.

So I urge support for the amendment because, if we are serious about free trade, just please do not call it free trade anymore. Call it managed trade. Call it subsidized trade. Call it special interest trade. But please do not call it free trade anymore, because it is not free trade.

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

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

In closing, Mr. Chairman, I would just like to say that the \$16 million, or whatever figure he is using that goes to China, goes in the form of things like airplane. Yes, a lot of it goes to Boeing,

which is a huge corporation. But the benefit that the American taxpayers receive are the thousands of jobs that Boeing provides in order to export this plane to China who pays for it. If indeed there was some problem, we can always go and get the airplanes back.

It is not like we are giving something away. We are creating jobs. I might tell my colleagues that many of those Boeing jobs are located in the State of Alabama.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

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

The CHAIRMAN. Pursuant to House Resolution 263, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Payne amendment.

Mr. Chairman, the UN World Food Program (WFP) last Tuesday expressed fears of a "worsening humanitarian crisis" in southern Sudan, resulting from the inability to transport food to those who need it. This ban has made most of the region inaccessible to relief agencies trying to deliver urgent humanitarian assistance to some 150,000 people.

Mr. Chairman, the funds appropriated by this amendment which is more than \$4,000,000 will be used for rehabilitation and economic recovery in areas of Sudan which have endured many hardships due to their religious and political beliefs. These funds will help support education, crop growth and other needs necessary for the basic existence of these people.

Mr. Chairman, this is a humane, well thought out, gesture offered by the gentleman from New Jersey and I urge all Members to support this amendment.

Mr. CALLAHAN. 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. TANCREDO) having assumed the chair, Mr. THORNBERRY, 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. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-283) on the bill (H.R. 2670) making appropri-

tions for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Under the rule, all points of order are reserved on the bill.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

(Mrs. MORELLA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BRYANT) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

(Mr. HASTINGS of Florida addressed the House. His remarks will appear

hereafter in the Extensions of Remarks.)

\$800 BILLION TAX CUT, BUT NOT FOR THE MIDDLE OR LOWER CLASSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. OLVER) is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I am sure that I am making friends with all of the members of the staff by taking 5 minutes at this hour, including the Speaker, but since I have stayed here this long, I will take the 5 minutes.

Mr. Speaker, we are told that this is the week that the main business is going to be, for this Congress, is the final passage of an \$800 billion tax cut.

The Republican leadership says that their tax cut, at least that one which passed the House of Representatives, is for the middle class. But I would like to raise that question. The bill which passed the House of Representatives about 2 weeks ago had the following features: the 1.25 million taxpayers representing the 1 percent wealthiest, richest portion of the population each, on average, got \$54,000 of tax reduction. Those are the 1 percent whose incomes is more than \$300,000 per year.

At the other end of the scale, starting from the bottom, from the lowest income person in this society issuing a tax return, if we took all 95 percent, starting from the lowest income and coming up to an income of \$125,000 a year, all 95 percent of that population, all 120 million would have received 39 percent of the total tax cut; whereas, the 1.25 million, the wealthiest 1.25 million, or 1 percent, would have received 45 percent of that total tax reduction. The 1 percent richest of Americans got more than all 95 percent of our population whose income is beneath 125,000.

If I may put that in a slightly different way, if those who may still be watching would consider 100 people, 100 people, one of whom has income over \$300,000 and consider that we might have \$100 of tax reduction to be able to distribute among those 100 people, that that one person whose income is greater than \$300,000 would get \$45 of the total of \$100 that is available for all tax reduction for all Americans.

□ 2300

Whereas 95 people, starting at the lowest income, up to the persons who might have \$125,000 of income, that group of 95 people would find that they were able to receive only a total of \$39 divided among the 95 of them.

Now, I do not know how many people would believe that that was a fair distribution that would suggest that this tax cut was for the middle class. That is hardly a middle class tax cut. In fact, it is designed to make the already rich a great deal richer. And that the middle class, those people between incomes of \$20,000 and perhaps \$80,000 per year, would receive \$1 or \$2 a day, hardly a middle class tax cut.

But that is only a small part of the story. The rest of the story is what the

Republican leadership makes impossible if this rich-get-very-much-richer bill were to become law. I forgot to bring the chart that I have here, but I will get it because I would like to show the American people what happens on just one issue, and that is the issue of the Nation's debt.

If this tax bill is passed, as it was passed in the House of Representatives, then it would be nearly impossible to reduce the Nation's debt. Let me show this chart. This chart shows where the present \$3.7 trillion of debt that is publicly held was created.

The first 38 presidents, from George Washington, our first president, through Mr. Ford, our 38th president, produced \$549 billion of debt. President Carter, in his 4 years, created an additional \$236 billion of debt. President Reagan created, in his 8 years, \$1.4 trillion. President Bush, \$1.1 trillion, and President Clinton, in his almost 7 years, an additional \$472 billion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. REYES (at the request of Mr. GEPHARDT) for today on account of attending memorial service for the five soldiers whose plane crashed in Colombia.

Mrs. CLAYTON (at the request of Mr. GEPHARDT) between 5:00 p.m. and 8:30 p.m. today on account of official business.

Mr. BILBRAY (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

Mr. PETERSON of Pennsylvania (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OLVER) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN for 5 minutes, today.

Mr. PALLONE for 5 minutes, today.

Mr. SHERMAN for 5 minutes, today.

Mr. HASTINGS of Florida for 5 minutes, today.

Mr. OLVER for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT for 5 minutes, August 4.

Mrs. MORELLA for 5 minutes, today.

Mr. BRYANT for 5 minutes, today.

Mr. MORAN of Kansas for 5 minutes, August 3.

Mr. DEMINT for 5 minutes, August 3.

Mr. SMITH of Michigan for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1468. An act to authorize the minting and issuance of Capitol Visitor Center Commemorative coins, and for other purposes; to the Committee on Banking and Financial Services.

ADJOURNMENT

Mr. OLVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 3, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3303. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106-108); to the Committee on Appropriations and ordered to be printed.

3304. A communication from the President of the United States, transmitting a request for emergency supplemental appropriations for the Department of Defense; (H. Doc. No. 106-110); to the Committee on Appropriations and ordered to be printed.

3305. A letter from the Comptroller, Under Secretary of Defense, transmitting notification of a violation of the Antideficiency Act; to the Committee on Appropriations.

3306. A letter from the Acquisition and Technology, Under Secretary of Defense, transmitting a report on the Performance of Commercial Activities for Fiscal Year 1998, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

3307. A letter from the Personnel and Readiness, Under Secretary of Defense, transmitting the Department's Defense Manpower Requirements Report for FY 2000, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on Armed Services.

3308. A letter from the Health Affairs, Assistant Secretary of Defense, transmitting a report on TRICARE Head Injury Policy and Provider Network Adequacy; to the Committee on Armed Services.

3309. A letter from the Deputy Secretary of Defense, transmitting notification of the decision to waive the limitations for the number of management headquarters and headquarters support activities staff in the Department of Defense as of October 1, 1998; to the Committee on Armed Services.

3310. A letter from the Secretary of Defense, transmitting notification of the approval of the retirement of General Dennis J. Reimer, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3311. A letter from the Secretary of Defense, transmitting notification that the Department of Defense intends to obligate up to \$438.4 million in FY 1999 funds to implement the Cooperative Threat Reduction Program under the FY 1999 Department of Defense Appropriations Act; to the Committee on Armed Services.

3312. A letter from the Secretary of Defense, transmitting notification of the approval of Lieutenant General John B. Hall, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3313. A letter from the Secretary of Defense, transmitting notification of the approval of the retirement of Lieutenant General John A. Dubia, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3314. A letter from the Secretary of Defense, transmitting notification of the approval of the retirement of Lieutenant General Patrick M. Hughes, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3315. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for the calendar year 1998; to the Committee on Banking and Financial Services.

3316. A letter from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting the Department's final rule—Guaranteed Rural Rental Housing Program (RIN: 0575-AC14) received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3317. A letter from the President and Chairman, Export-Import Bank, transmitting a report involving U.S. exports to China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3318. A letter from the President and Chairman, Export-Import Bank, transmitting a report involving U.S. exports to Japan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3319. A letter from the Board of Governors, Federal Reserve System, transmitting a report on the profitability of the credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking and Financial Services.

3320. A letter from the Director, Office of Management and Budget, transmitting a report on direct spending or receipts legislation; to the Committee on the Budget.

3321. A letter from the Secretary of Education, transmitting Final Regulations Correction—Assistance to States for the Education of Children with Disabilities (RIN: 1820-AB40), pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3322. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting a report entitled, "Interface with the Defense Nuclear Facilities Safety Board"; to the Committee on Commerce.

3323. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting a report on Conference Management; to the Committee on Commerce.

3324. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting a report regarding Deviations, Local Clauses, Uniform Contract Format, and Clause Matrix; to the Committee on Commerce.

3325. A letter from the Director, Department of Health and Human Services, transmitting the NIEHS Report on Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields; to the Committee on Commerce.

3326. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting Instruction Concerning Prenatal Radiation Exposure; to the Committee on Commerce.

3327. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting a report on Design and Fabrication Code Case Acceptability, ASME Section III, Division 1; to the Committee on Commerce.

3328. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's Management Directive 5.6, "Integrated Materials Performance Evaluation Program"; to the Committee on Commerce.

3329. A letter from the Secretary of Energy, transmitting the 1998 Annual Report on Low-Level Radioactive Waste Management Progress; to the Committee on Commerce.

3330. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Developmental Disabilities Assistance Amendments of 1999"; to the Committee on Commerce.

3331. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 99-23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3332. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 99-22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3333. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 81-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Singapore [Transmittal No. DTC 82-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3335. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Turkey [Transmittal No. DTC 141-98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3336. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 69-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3337. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 66-99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3338. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 68-99], pursuant to 22 U.S.C.

2776(c); to the Committee on International Relations.

3339. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DTC 76-99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3340. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement for the export of defense services under a contract with Italy [DTC 47-99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement for the export of defense services under a contract with Canada [Transmittal No. DTC 44-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance License Agreement with Spain [Transmittal No. DTC 77-99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3343. A letter from the Acting Deputy Under Secretary (International Programs), Office of the Under Secretary of Defense, transmitting a copy of Transmittal No. 08-99 which constitutes a Request for Final Approval for the Project Arrangement (PA) between the U.S. and Sweden concerning the Foliage Penetration Radar Sensor Project, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3344. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3345. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective July 4, 1999, the 20% danger pay allowance for Central African Republic was eliminated, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

3347. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification regarding the proposed transfer of major defense equipment to Germany [Transmittal No. RSAT-1-99]; to the Committee on International Relations.

3349. A letter from the Director, Office of Personnel Management, transmitting a report entitled, "Physicians Comparability Allowances," pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform.

3350. A letter from the Secretary of Commerce, transmitting the Inspector General's semiannual report and the Secretary's report on final action taken on Inspector General audits, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

3351. A letter from the Secretary of Labor, transmitting the Semiannual Reports of the Corporation's Executive Director and the Office of Inspector General, respectively, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-87, "Moratorium on the Issuance of New Retailer's Licenses Class B Temporary Amendment Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-91, "O Street Wall Restoration Temporary Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3354. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-86, "Metropolitan Police Department Excepted Service Sworn Employees' Compensation System Amendment Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-82, "Mount Horeb Plaza Symbolic Street Designation Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3356. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-85, "Peoples Involvement Corporation Equitable Real Property Tax Relief Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3357. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-83, "Lowell School, Inc., Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3358. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-84, "Closing and Dedication of a Public Alley in Square 275, S.O. 95-62, Act of 1999" received June 18, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3359. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report of the Inspector General for the period October 1, 1998, through March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3360. A letter from the Comptroller General, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform.

3361. A letter from the Deputy Director for Support, Personal and Family Readiness Division, Department of the Navy, transmitting the annual report for 1998 of the Retirement Plan for Civilian Employees of the United States Marine Corps Personal and Family Readiness Division; to the Committee on Government Reform.

3362. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting correction of an error in the auditor's opinion section of the Federal Deposit Insurance Corporation's 1998 Chief Financial Officers Act Report; to the Committee on Government Reform.

3363. A letter from the General Accounting Office, transmitting a list of vacancies; to the Committee on Government Reform.

3364. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

3365. A letter from the Treasurer, National Gallery of Art, transmitting the 1998 Annual Report which contains the audited financial statements for years ended September 30, 1998 and 1997, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

3366. A letter from the Secretary of Education, transmitting notification that effective February 24, 1999, the Assistant Secretary for Elementary and Secondary Education resigned; to the Committee on Government Reform.

3367. A letter from the Secretary of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 1999, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

3368. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Assistant Attorney General, Office of Justice Programs, transmitting the Office of Justice Programs Annual Report for Fiscal Year 1998, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

3369. A letter from the Chairman, National Gambling Impact Study Commission, transmitting the Final Report of the National Gambling Impact Study Commission; to the Committee on the Judiciary.

3370. A letter from the Secretary, Naval Sea Cadet Corps, transmitting the Annual Audit Report of the Naval Sea Cadet Corps for the fiscal year ending 31 December 1998, pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

3371. A letter from the Attorney General, State of South Carolina, transmitting a certified copy of the 1996 South Carolina legislation which, along with Georgia's 1994 legislation, forms the basis for an interstate compact pursuant to Article IV, Section 10 of the United States Constitution; to the Committee on the Judiciary.

3372. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to revise and clarify the definition of "public aircraft"; to the Committee on Transportation and Infrastructure.

3373. A letter from the the Assistant Secretary for Legislative Affairs, the Department of State, transmitting notification that the President has issued the required determination necessary to continue normal trade relations with the People's Republic of China [Presidential Determination No. 99-28], pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106-107); to the Committee on Ways and Means and ordered to be printed.

3374. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Market Segment Specialization Program Audit Techniques Guide—Low-Income Housing Credit; to the Committee on Ways and Means.

3375. A letter from the Secretary of Agriculture, Secretary of the Army, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and Forest Service acquired lands and interests in lands at the Willow Island Locks and Dam navigation project, adjacent to the Wayne National Forest in the State of Ohio, pursuant to 16 U.S.C. 505a; jointly to the Committees on Agriculture and Transportation and Infrastructure.

3376. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting Certification that shrimp harvested with technology that may adversely affect certain species of sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress annually by May 1, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly to the Committees on Appropriations and Resources.

3377. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Certification that shrimp harvested with technology that may adversely affect certain species of sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress annually by May 1, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly to the Committees on Appropriations and Resources.

3378. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Importing Noncomplying Motor Vehicles" for calendar year 1998, pursuant to 49 U.S.C. 30169(b); jointly to the Committees on Commerce and Ways and Means.

3379. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President has issued the determination required to suspend the limitation on the obligation of FY 1999 State Department Appropriations [Presidential Determination 99-29]; jointly to the Committees on International Relations and Appropriations.

3380. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide advance contract authority for fiscal years 2004 through 2007; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 2614. A bill to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. 106-278). Referred to the Committee on the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 2615. A bill to amend the Small Business Act to make improvements to the general business loan program, and for other purposes (Rept. 106-279). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 271. Resolution providing for the consideration of the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard or guideline on ergonomics (Rept. 106-280). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 272. Resolution providing for consideration of the bill (H.R. 2031) to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor (Rept. 106-281). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 58. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the

Trade Act of 1974 with respect to Vietnam; adversely (Rept. 106-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee on Appropriations. H.R. 2670. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106-283). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ALLEN (for himself, Mr. SAXTON, Ms. BALDWIN, Mr. BALDACCIO, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. GUTIERREZ, Mr. HINCHAY, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Mrs. KILPATRICK, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. QUINN, Mrs. ROUKEMA, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Mr. UNDERWOOD, and Mr. VENTO):

H.R. 2667. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Commerce.

By Mr. THOMAS (for himself, Mr. NEY, Mr. BOEHNER, Mr. EHLERS, Mr. MICA, and Mr. EWING):

H.R. 2668. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. SAXTON:

H.R. 2669. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. ROGERS:

H.R. 2670. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

By Mr. BARRETT of Nebraska:

H.R. 2671. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes; to the Committee on Resources.

By Mr. ETHERIDGE (for himself, Mr. SKELTON, Mr. MCINTYRE, Mrs. CLAYTON, Mr. WU, Mr. STUPAK, Mr. WYNN, Mr. JOHN, Mr. GREEN of Texas, Mr. MATSUI, Mr. BECERRA, Mr. BOYD, Mr. PRICE of North Carolina, Mr. DOOLEY of California, Mr. BISHOP, Mr. UDALL of New Mexico, Mrs. TAUSCHER, Mr. SPRATT, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. GOODE, Mr. HANSEN, Mr. BALDACCIO, Mr. KANJORSKI, Mr. WATT of North Carolina, Mr. DICKS, Mr. SMITH of Washington, Mr. TURNER, Mr. TAYLOR of Mississippi, Mr. BERRY, Mr. SHOWS, Mr. CONDIT, Mr. LUCAS of Kentucky, Mr. PHELPS, Ms. DANNER, Ms. SLAUGHTER,

Mr. HILL of Indiana, Mr. THOMPSON of Mississippi, Mr. HALL of Texas, Mr. PICKERING, Mr. THUNE, Mr. TERRY, Mr. JONES of North Carolina, Mr. TOWNS, Mr. ADERHOLT, and Mrs. MALONEY of New York):

H.R. 2672. A bill to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking and Financial Services.

By Mr. GEJDENSON (for himself, Mr. KUCINICH, Mr. HILLIARD, Ms. LEE, Mrs. CHRISTENSEN, Mr. MALONEY of Connecticut, Mr. WU, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. SCOTT, and Mr. MCGOVERN):

H.R. 2673. A bill to provide training to professionals who work with children affected by violence, to provide for violence prevention, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 2674. A bill providing for conveyance of the Palmetto Bend project to the State of Texas; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. POMBO, Mr. OSE, and Mr. HASTINGS of Washington):

H.R. 2675. A bill to amend the Workforce Investment Act of 1998 to provide increased flexibility for the transfer of within state allocations between adult and dislocated worker employment and training activities; to the Committee on Education and the Workforce.

By Ms. RIVERS:

H.R. 2676. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce.

H.R. 2677. A bill to amend the Communications Act of 1934 to require telephone carriers to completely and accurately itemize charges and taxes collected with telephone bills; to the Committee on Commerce.

By Mr. GILMAN (for himself and Mr. MICA):

H. Con. Res. 169. Concurrent resolution expressing United States policy toward Romania; to the Committee on International Relations.

H. Con. Res. 170. Concurrent resolution expressing United States policy toward the Republic of Bulgaria; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

174. The SPEAKER presented a memorial of the Legislature of the State of Maryland, relative to Senate Joint Resolution No. 7 memorializing Congress to amend the Employment Retirement Income Security Act of 1974 to authorize each state to monitor and to regulate self-funded employer-based health plans and to make a specific amendment to the ERISA; urging other state legislatures to enact a resolution similar to this resolution; to the Committee on Education and the Workforce.

175. Also, a memorial of the Legislature of the State of Maryland, relative to House Joint Resolution No. 8 memorializing Congress to amend the Employment Retirement Income Security Act of 1974 to authorize each state to monitor and to regulate self-funded employer-based health plans and to make a specific amendment to the ERISA; urging other state legislatures to enact a

resolution similar to this resolution; to the Committee on Education and the Workforce.

176. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution No. 178 memorializing Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; to the Committee on Commerce.

177. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 138 memorializing President Clinton's commitment to undertake significant efforts in order to promote substantial progress towards a solution to the Cyprus problem in 1999; to the Committee on International Relations.

178. Also, a memorial of the Legislature of the State of Missouri, relative to House Joint Resolution No. 26 memorializing the current federal government policies on national forest road closures and obliteration be suspended and that Congress reaffirm its directives that forest lands be managed in accordance with forest plans that provide for multiple-use management; jointly to the Committees on Agriculture and Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. LEWIS of Georgia, Mr. BALDACCIO, and Mrs. MORELLA.

H.R. 269: Mrs. MEEK of Florida.

H.R. 306: Mr. UDALL of New Mexico.

H.R. 323: Mr. SMITH of Washington.

H.R. 355: Mr. MCHUGH and Mr. UDALL of Colorado.

H.R. 357: Mr. KOLBE.

H.R. 372: Mr. FILNER, Ms. JACKSON-LEE of Texas, and Mr. LUCAS of Kentucky.

H.R. 488: Mr. RUSH.

H.R. 557: Mr. SISISKY and Mr. GOODLATTEE.

H.R. 559: Mr. BLAGOJEVICH.

H.R. 625: Mr. COOK.

H.R. 728: Mr. LINDER.

H.R. 731: Mr. WU and Mr. WEXLER.

H.R. 750: Mr. ENGEL.

H.R. 815: Ms. ROS-LEHTINEN.

H.R. 860: Mr. DEUTSCH.

H.R. 900: Mr. BAIRD.

H.R. 960: Mr. HALL of Ohio and Mr. ROTHMAN.

H.R. 961: Mr. WEYGAND and Mr. FALEOMAVAEGA.

H.R. 1068: Mr. HASTINGS of Florida.

H.R. 1111: Mr. WATTS of Oklahoma, Mr. MCHUGH, Mr. ACKERMAN, and Mrs. THURMAN.

H.R. 1115: Mr. BROWN of Ohio, Mr. BONILLA, Mr. GOODLING, Mr. CAMP, and Mr. BARRETT of Wisconsin.

H.R. 1187: Mr. WALDEN of Oregon.

H.R. 1195: Mr. PRICE of North Carolina.

H.R. 1274: Mr. INSLEE, Ms. LOFGREN, and Mrs. TAUSCHER.

H.R. 1300: Mr. SANDERS, Mr. MASCARA, and Mr. MCGOVERN.

H.R. 1381: Mr. KNOLLENBERG.

H.R. 1388: Mr. SABO, Mr. DELAY, and Mr. DEUTSCH.

H.R. 1414: Mr. LEWIS of Georgia.

H.R. 1482: Mr. FORD.

H.R. 1488: Ms. RIVERS, Mrs. CHRISTENSEN, and Mr. QUINN.

H.R. 1497: Mr. BARRETT of Wisconsin.

H.R. 1579: Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. SKELTON, Mr. HULSHOF, Mr. FARR of California, Mr. TURNER, Mr. MOORE, Mr. HYDE, Mr. FILNER, Mr. KASICH, Ms. BALDWIN, Mr. SCOTT, Ms. LOFGREN, Mr. SMITH of Texas, Mr. SMITH of Washington, and Mr. SHAYS.

H.R. 1592: Mr. SMITH of Texas, Mr. HEFLEY, Mr. EHRLICH, and Mr. STUPAK.

H.R. 1604: Ms. WOOLSEY.

H.R. 1631: Mr. FATTAH.

H.R. 1684: Ms. MCKINNEY.

H.R. 1693: Mr. ARCHER and Mr. ALLEN.

H.R. 1747: Mr. CHAMBLISS.

H.R. 1777: Ms. RIVERS.

H.R. 1816: Mr. MCGOVERN.

H.R. 1917: Mr. BAIRD, Mr. HILLIARD, Mr. PALLONE, Mr. MASCARA, Mrs. EMERSON, Mr. GREEN of Texas, and Mr. STARK.

H.R. 1932: Mr. PALLONE, Ms. BALDWIN, Mr. BECERRA, Mr. BRADY of Pennsylvania, Mr. DAVIS of Florida, Mr. EVANS, Mr. GOODE, Mr. KLECZKA, Mr. PETERSON of Minnesota, Mr. SERRANO, Ms. SLAUGHTER, and Mr. STARK.

H.R. 1933: Mr. DUNCAN and Mr. STUMP.

H.R. 1999: Mr. MCNULTY and Mr. OWENS.

H.R. 2030: Mr. MOAKLEY and Mr. CAPUANO.

H.R. 2120: Mr. ORTIZ, Mr. BARCIA, and Mr. GOODLATTE.

H.R. 2121: Mr. SCOTT, Ms. JACKSON-LEE of Texas, and Mr. KNOLLENBERG.

H.R. 2265: Mr. OBERSTAR and Mr. BERMAN.

H.R. 2288: Mr. WATTS of Oklahoma.

H.R. 2303: Ms. KAPTUR, Mr. MCDERMOTT, Mr. POMBO, Mr. DICKS, and Mr. REYNOLDS.

H.R. 2314: Mr. FORD.

H.R. 2337: Mr. GIBBONS, Mr. COBURN, and Mr. SUNUNU.

H.R. 2351: Ms. SCHAKOWSKY and Ms. LEE.

H.R. 2405: Ms. SCHAKOWSKY and Mr. SHAYS.

H.R. 2418: Mr. DEFazio, Mr. BAKER, Mr. CUNNINGHAM, Mr. COOKSEY, Mr. HINCHEY, Mr. ROMERO-BARCELO, and Mr. COBURN.

H.R. 2436: Mr. FLETCHER, Mr. RYAN of Wisconsin, Mr. SKIMKUS, and Mr. HUNTER.

H.R. 2494: Mr. TANCREDO and Mr. SENSENBRENNER.

H.R. 2529: Mr. WAMP.

H.R. 2538: Ms. LEE, Mr. WU, and Mr. WEXLER.

H.R. 2568: Mr. HILL of Montana.

H.R. 2584: Mr. LAZIO.

H.R. 2612: Mr. RAHALL.

H.R. 2618: Mr. GILLMOR, Mr. SHOWS, and Ms. JACKSON-LEE of Texas.

H.R. 2639: Mr. SIMPSON and Mr. MILLER of Florida.

H.J. Res. 55: Mr. GIBBONS.

H. Con. Res. 30: Mr. ISAKSON.

H. Con. Res. 38: Mr. NADLER.

H. Con. Res. 77: Mr. KUYKENDALL.

H. Con. Res. 80: Mr. BOEHLERT, Mr. DAVIS of Virginia, Mr. DELAHUNT, Mr. HOYER, Mr. LAZIO, Mr. KENNEDY of Rhode Island, Mr. GUTKNECHT, Mr. COOK, Mr. DREIER, Mr. LEWIS of Georgia, and Mr. GEPHARDT.

H. Con. Res. 100: Mr. GEJDENSON, Mr. HOLDEN, Mrs. THURMAN, Mr. COSTELLO, Mr. SCOTT, Mr. ALLEN, Mr. BILBRAY, Mr. BACHUS, Ms. STABENOW, Mr. SANFORD, Mrs. MEEK of Florida, Mr. DREIER, Mr. DAVIS of Virginia, Ms. DEGETTE, Mr. COOK, Mr. HOYER, and Mr. PRICE of North Carolina.

H. Con. Res. 159: Mr. FOLEY, Mr. MASCARA, Mr. GEJDENSON, Mrs. MYRICK, Mrs. THURMAN, Mr. SCOTT, Mr. BACHUS, Mr. SANFORD, Mrs. MEEK of Florida, Ms. DEGETTE, and Mr. MCNULTY.

H. Res. 224: Mr. SKELTON, Mr. BUYER, Mr. PASTOR, Mr. WATKINS, Mr. OSE, Mr. LEWIS of Kentucky, Mr. FROST, and Mr. GILLMOR.

H. Res. 267: Mr. GUTKNECHT, Mr. GREEN of Wisconsin, Mr. COOK, Mr. EHLERS, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mr. KUYKENDALL.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

41. The SPEAKER presented a petition of the Berea City Counsel, relative to Resolution No. 99-28 petitioning support for the ratification, by the United States, of the

United Nations convention on the elimination of all forms of discrimination against women; to the Committee on International Relations.

42. Also, a petition of Anthony Ray Wright, relative to a request for impeachment of a Baton Rouge, LA. U.S. District Court Judge Frank J. Polozola; to the Committee on the Judiciary.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions.

Petition 3 by Mr. DINGELL on House Resolution 197: Michael P. Forbes and Chet Edwards.

Petition 4 by Ms. DEGETTE on House Resolution 192: Rod R. Blagojevich, Peter Deutsch, Elijah E. Cummings, Eliot L. Engel, Gregory W. Meeks, Gary L. Ackerman, Calvin M. Dooley, and John Lewis.

AMENDMENTS

Under clause 8 of rule XVII, proposed amendments were submitted as follows:

Commerce, Justice, State, and Judiciary
Appropriations, 2000

OFFERED BY: MR. VISLOSKY

AMENDMENT NO. 2: At the end of the bill, before the short title, insert the following:

SEC. . None of the funds appropriated in this Act may be used to negotiate or otherwise enter into any suspension agreement under section 734 of the Tariff Act of 1930, with respect to any of the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

Commerce, Justice, State, and Judiciary
Appropriations, 2000

OFFERED BY: MR. VISLOSKY

AMENDMENT NO. 3: At the end of the bill, before the short title, insert the following:

SEC. . None of the funds appropriated in this Act may be used to implement or continue in effect any suspension agreement under section 734 of the Tariff Act of 1930, or to negotiate or otherwise enter into any suspension agreement under section 734 of the Tariff Act of 1930, with respect to any of the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

H.R. 2031

OFFERED BY: MR. COX

AMENDMENT NO. 1: Page 6, line 9, strike the close quotation marks and the period at the end.

Page 6, after line 9, insert the following:

“SEC. 3. GENERAL PROVISIONS.

“(a) EFFECT ON INTERNET TAX FREEDOM ACT.—Nothing in this Act may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).

“(b) ENFORCEMENT OF TWENTY-FIRST AMENDMENT.—It is the purpose of this Act to assist the States in the enforcement of section 2 of the twenty-first article of amendment to the Constitution of the United States, and in no way to impose an impermissible burden on interstate commerce in violation of article 1, section 8, of the Constitution of the United States. No State may enforce under this Act a law regulating the importation or transportation of any intoxicating liquor that has the purpose or effect of discriminating against interstate commerce by out-of-State sellers.

“(c) SUPPORT FOR INTERNET AND OTHER INTERSTATE COMMERCE.—Nothing in this Act may be construed—

“(1) to permit the impairment of interstate telecommunications or any other related instrumentality of interstate commerce, including the Internet; or

“(2) to authorize any injunction against—
“(A) an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); or

“(B) electronic communication service (as defined in section 2510(15) of title 18 of the United States Code).

H.R. 2031

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 2: Page 6, line 9, strike the close quotation marks and the period at the end.

Page 6, after line 9, insert the following:

“(f) RULES OF CONSTRUCTION.—(1) Subject to paragraph (2), this section shall be construed only to extend the jurisdiction of Federal courts to enforce State law that is valid as an exercise of power vested in the States—

“(A) under the twenty-first article of amendment to the Constitution of the United States as such article of amendment is interpreted by the Supreme Court of the United States; or

“(B) under the first section of this Act; but shall not be construed to grant to States any additional power.

“(2) This section shall not be construed—

“(A) to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note); or

“(B) to permit the commencement of an action under subsection (b) of this section against—

“(i) an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); or

“(ii) an electronic communication service (as defined in section 2510(15) of title 18 of the United States Code);

used by another person to engage in any activity that is subject to this Act.”.

H.R. 2031

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 6, line 9, strike the close quotation marks and the period at the end.

Page 6, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

“SEC. 3. REQUIRED MARKING OF CERTAIN CONTAINERS BY SELLERS OF INTOXICATING LIQUOR.

“(a) CONTAINERS FOR DELIVERY OF INTOXICATING LIQUOR.—It shall be unlawful for a seller of intoxicating liquor to deliver such liquor in interstate commerce to the purchaser of such liquor if the outermost container of such liquor is not clearly marked to identify that such liquor is contained within.

“(b) PENALTY.—Whoever violates paragraph (1) shall be liable for a fine of \$1,000.”.

H.R. 2031

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: Page 6, line 9, strike the close quotation marks and the period at the end.

Page 6, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

“SEC. 3. REQUIREMENTS APPLICABLE TO CERTAIN CARRIERS IN CONNECTION WITH DELIVERY OF INTOXICATING LIQUOR TO A PLACE OF RESIDENCE.

“(a) DELIVERY OF INTOXICATING LIQUOR BY NONGOVERNMENTAL CARRIERS FOR HIRE.—It shall be unlawful for a nongovernmental carrier for hire to knowingly deliver a container transported in interstate commerce that contains intoxicating liquor to a place of residence of any kind if such carrier fails to obtain the signature of the individual to whom such container is addressed.

“(b) PENALTY.—Whoever violates paragraph (1) shall be liable for a fine of \$500.”.

H.R. 2031

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 5: At the end of the bill, add the following:

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that the States should enact laws to require—

(1) sellers of intoxicating liquor in containers to deliver to purchasers such liquor in outermost containers that are clearly marked to identify that such liquor is contained within; and

(2) nongovernmental carriers for hire that knowingly deliver containers that contain intoxicating liquor to any kind of place of residence—

(A) to obtain the signatures of the individuals to whom such containers are addressed; and

(B) to obtain reasonable proof that the individuals to whom such containers are addressed are not less than 21 years of age.

H.R. 2606

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____ . None of the funds made available in this Act may be used by the Overseas Private Investment Corporation for any category A Investment Fund project, as listed in Appendix E, Category A Projects, of the Corporation's Environmental Handbook of April 1999.