



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145

WASHINGTON, FRIDAY, SEPTEMBER 24, 1999

No. 126

House of Representatives

The House met at 9 a.m.

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

We know, O God, that people in distress pray for peace and there is no peace; people pray for the stilling of the storm and there is none; people look for healing and yet the illness rages. O gracious God, creator of life and the rock of ages, speak to us in the depths of our souls with eternal hope and grace and strength that You alone can give so we can face the ravages that seem often to rule the world and face that world with confidence and with inner peace. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate 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. 2466. An act making appropriations for the Department of the Interior and re-

lated agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2466) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minute on each side.

PRESIDENT VETOES TAX RELIEF PACKAGE

(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, oftentimes politicians talk about improving people's lives, but usually that is about as far as it goes, just talk.

Well, true to form, yesterday the President had an opportunity to sign into law a bill that would directly help the American taxpayers, but he did not.

The tax relief package just vetoed by this President would have given working families more freedom to run their lives the way they see fit, more freedom giving them more power, more time, more control over their lives. It would have reduced the marriage tax penalty, one of the most blatantly unfair demons in the Tax Code. It would have made it easier for workers to buy and cover themselves with health in-

urance. It would have made it easier for parents to save for their children's education. It would have eliminated the death tax, making it easier to pass on the family farm or family business to loved ones after a lifetime of work. It would have made it easier to invest and save for our future.

Balanced and fair, it would have provided substantial debt reduction, protected Social Security and Medicare, and provided tax relief to American taxpayers. And Washington would have gotten a little less so that hard-working, taxpaying families could have a little more.

I yield back the balance of any money Mr. and Mrs. America have left in their pockets.

GUN CONTROL LEGISLATION

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

Ms. DELAURO. Mr. Speaker, for 5 months, common sense gun safety measures have been stymied by the Republican leadership. Our efforts to close the loopholes that give kids and criminals easy access to guns have been repeatedly stifled. Every day results in lives that are lost.

Thirteen children in this country are killed by guns every day, 13 American youngsters every single day. The other side argues that no laws can stop bad men with evil in their hearts from shooting innocent people. Perhaps they are right. But they are masking a very important truth.

I am sad to say that thousands of children are killed by guns by accident. These children find loaded guns without safety locks and they pull the trigger. The frequency of these deaths is heartbreaking, and they could be prevented.

I urge my colleagues to pass the common sense measures that could reduce our country's epidemic of gun deaths.

□ 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.



Printed on recycled paper.

H8631

Today I continue reading the names of children who have been killed by guns since Columbine:

Kenneth Acoff, age 17, killed by gunfire on September 4, 1992, Cleveland, Ohio; Casey Crow, age 15, killed by gunfire on September 6, 1999, Maple Heights, Ohio; Nicholas Lenz, age 13, killed by gunfire on September 9, 1999, Clear Lake, Iowa; George Mark, age 17, killed by gunfire on September 12, 1999, Quinhagak Alaska; Joseph B. Frazier, age 16, killed by gunfire on September 14, 1999, Durham, North Carolina; Cassandra Griffin, age 14, killed by gunfire on September 15, 1999, Fort Worth, Texas.

PROGRESSIVE INCOME TAX SOCIALISM

(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, in 1848, Karl Marx said, a progressive income tax is needed to transfer wealth and power to the state. Thus, Marx's Communist Manifesto had as its major economic tenet a progressive income tax.

Think about it, 1848 Karl Marx, Communism. Now, if that is not enough to tax our history, 1999, United States of America, progressive income tax socialism. Stone cold socialism.

I say it is time to replace the progressive income tax with a national retail sales tax, and it is time to abolish the IRS, my colleagues.

I yield back all the rules, regulations, fear, and intimidation of our current system.

CRIME OUGHT NOT TO PAY

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

Mr. STRICKLAND. Mr. Speaker, I believe that crime ought not to pay and the public agrees with me that crime should not pay and that is why a recent national survey has concluded that a vast majority of the American people oppose the privatization of America's jails and prisons.

In fact, 51 percent oppose and 34 percent strongly oppose the privatization of these institutions. Voters believe that government-run prisons are more accountable to the public, do a better job of preventing escape and do a better job of protecting public safety.

Further, voters also think that prisons run by private companies are more likely to be understaffed, to have poorly trained staff, and to be less accountable by cutting corners.

That is why I urge my colleagues to join me in cosponsoring the public safety act, which is an act which would prevent the further privatization of our Federal institutions and would discourage our States from privatizing their jails and prisons.

CARDIOPULMONARY RESUSCITATION TRAINING

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

Mr. BROWN of Ohio. Mr. Speaker, we often hear the acronym for cardiopulmonary resuscitation, CPR, and know what it means. But do we know what to do if, say, someone walking next to us goes into sudden cardiac arrest? Sadly, most people would answer no.

Cardiac arrest is one of the leading causes of death in the U.S., with a survival rate of only 5 percent. CPR can link an arrest victim with professional emergency care. But its success is dependent on the knowledge of our general population. And only 2 to 3 percent of Americans are trained to perform CPR.

I have introduced a resolution supporting National CPR Weekend, an effort by the American Heart Association and Red Cross to train 15,000 people in CPR. Free training sessions will be held this weekend in Medina, Ohio, and Cleveland, Ohio, and nine other cities across the country. Medina General Hospital will train over 300 volunteers in five training sessions throughout the day.

We do not have to be a doctor. We do not have to be in top physical condition. We just have to be willing to join in an important cause, saving lives.

Please call the local Heart Association for CPR trainings in the area.

TAXPAYERS HAVE TO WAIT FOR A REPUBLICAN IN THE WHITE HOUSE FOR TAX RELIEF TO BE COME A REALITY

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

Mr. BALLENGER. Mr. Speaker, yesterday the President vetoed the tax relief legislation passed by Congress.

In the face of a \$3 trillion budget surplus over the next 10 years, the President concluded that there was no room for any of it to go to the taxpayers. Liberals everywhere cheered. The taxpayers, on the other hand, did no celebrating. Wall Street crashed, the Main Street was told that small business would not be getting any help anytime soon.

Those who are so ardently opposed to tax cuts do not do so because they want the money to go towards debt reduction, despite the rhetoric.

If they were sincere, then they would not be proposing billions and billions of dollars in new spending, creating new entitlements, and expanding Government programs.

They oppose tax relief because they want to grow Government. They want to spend the money. And they do not want us to spend the money.

Washington knows best. That is their bedrock principle.

Taxpayers will just have to wait for a Republican in the White House for tax relief to become a reality.

PRESIDENT'S VETO—A RESPONSIBLE COURSE OF ACTION

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

Mr. VENTO. Mr. Speaker, I understand that the President's vetoing yesterday the tax bill was disappointing to the majority of our colleagues in the House. But I would suggest that, given the alternatives, there was no other course of action that could responsibly be taken.

The fact is we are less than a week away from the beginning of a fiscal year and, by and large, the House and Senate have not even come to agreement on most of the major spending bills. We have only presented three or four bills to the President really of a noncontroversial nature, and most of the controversial issues and big issues still have not been resolved even for the next fiscal year.

So in attempting to try and portray or to put in place tax policies that are based on projected revenues and we cannot even deal with fiscal year 2000, which begins October 1, I think speaks out loud as to the fact that we are not getting our work done and we are not prepared.

I mean, we should put the decisions in terms of our spending policies, the decisions in terms of our revenue policies on the table first before we begin to undercut the ability to deal with those issues.

So I commend the President.

□ 0915

GUN SAFETY LEGISLATION—NOW

(Mrs. LOWEY asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY. Mr. Speaker, once again we are calling on the House leadership to move gun safety legislation now.

Wherever I go in any district, whether it is in the supermarket; at the post office; on the streets, local streets; my constituents cannot understand it. People are afraid. In the United States of America, 1999, to be afraid to go to school, to be afraid to go to church, to be afraid to go to a synagogue: This is madness. It does not make any sense.

Mr. Speaker, we have to have the courage to stand up for what is right and not cave to the special interests.

I will continue to read the roll of those children who have lost their lives since Columbine:

Kristi Beckel, age 14, killed by gunfire on September 15, 1999, Fort Worth, Texas; Justin M. Ray, age 17, killed by gunfire on September 15, 1999, Fort Worth, Texas.

RENDEZVOUS WITH OBSCURITY

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

Mr. DOGGETT. Mr. Speaker, when this House recesses early today at 2:00 in the afternoon, it will be another recess from reality. To continue the normal operation of our Federal Government, Mr. Speaker, 13 appropriation bills should be passed by next Thursday, the last day of the Federal fiscal year. One has thus far been signed into law. With so much yet to be done and so many other issues, from gun safety to public education that this Congress should be addressing, the Republican leadership response is to declare a long weekend recess and to meet next week for 3½ days before the end of the fiscal year.

Mr. Speaker, if this plan represents "making the trains run on time," as the Republican leadership has so often professed, maybe we would be better off taking a plane or even a bus.

Little wonder that one distinguished congressional historian recently observed that "this Congress has a rendezvous with obscurity."

PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without

intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida).

The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 296 would grant H.R. 1487, the National Monument NEPA Compliance Act, an open rule providing one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for purpose of amendment which shall be open for amendment at any point. The rule further authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

H.R. 1487, the National Monument NEPA Compliance Act, would provide for much needed public participation prior to the designation of national monuments under the Antiquities Act of 1906. Unfortunately, under current law such designations can be made by the administration acting without the benefit of public input into the decision-making process.

For example, on September 18, 1996, President Clinton designated the Grand Staircase-Escalante National Monument in Utah without informing or consulting with the citizens of the State or their elected congressional representatives. This incident is especially troubling in light of documents obtained from the Clinton administration indicating that the monument in question was being planned for months. Incredibly, Mr. Speaker, State officials in Utah were not even notified, or I

should say were notified only at 2 a.m. in the morning of the day that the proclamation was signed into law.

Enactment of H.R. 1487 will ensure that this never happens again. Mr. Speaker, the bill requires the President to actively solicit public participation and comment before creating any national monument and to consult with the Governor and the congressional delegation of the affected State at least 60 days prior to the designation.

After all, the establishment of a national monument is a significant step with far-reaching consequences for surrounding States and communities. Simple common sense dictates that local jurisdictions at least should be consulted before any land use change as dramatic as the designation of a national monument.

The authors of H.R. 1487 have proposed a mechanism for doing exactly that. The bill received bipartisan support in the Committee on Resources, and the Congressional Budget Office estimates that enactment of H.R. 1487 would have no significant impact on the Federal budget.

Accordingly, Mr. Speaker, I urge my colleagues to adopt both this open rule and the underlying bill.

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

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

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

This is an open rule which will allow consideration of H.R. 1487, a bill to clarify the requirement for public involvement in the designation of national monuments under the Antiquities Act.

As my colleague from Washington explained, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. Under this rule germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

The Antiquities Act of 1906 permits the President to protect a historic or scientific landmark by designating it as a national monument. This bill requires that the President seek public participation and consult with the affected Governor and congressional delegation before making such a designation. Although the bill was reported out of the Committee on Resources on a voice vote with bipartisan support, some changes are needed in the bill to clarify congressional intent. Since this is an open rule, Members will have the opportunity to offer amendments improving the bill. The rule was adopted by a voice vote of the Committee on Rules. I urge my colleagues to support the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he

may consume to the distinguished gentleman from Utah (Mr. Hansen), the chairman of the subcommittee dealing with this legislation.

Mr. HANSEN. I appreciate the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. Today is an important day where we have a chance to restore the right to the American people and their elected representatives to have input in public land discussions.

Mr. Speaker, I would like to talk about two things. First, I want to talk about United States Constitution.

The Constitution gives the authority over the public lands to the Congress. It does not give the authority to the President. Yes, Congress can delegate a certain amount of that power to the Executive Branch, but Congress also has indisputable right to take that power back if it is being abused. The antiquities law is being abused. Huge national monuments have been created and are currently in the process of being created for political reasons and to avoid congressional scrutiny and public input. Congress has the right to stop this abuse and has the obligation to stop this abuse.

This public participation, Mr. Speaker, it is very important in a democracy that the public have the right to participate in important decisions. I think it is particularly important for all the public to participate in public land decisions. It is after all, it is their land; is it not?

As my colleagues know, Mr. Speaker, on September 16, 1969, the President of the United States did the same thing in Arizona and declared 1.7 million acres a national monument. How many of us were aware of this? Very, very few. In fact my AA called up the White House the day before and said, We are hearing this rumor. Is it true that the President is going to declare part of southern Utah, a piece bigger than most of our eastern states; it would take all of the eastern States for a lot of my colleagues in one fell swoop.

Oh, no, we do not know anything about it; we have heard the same rumor. Yet later in that day, the next day they declared this huge, huge piece of land a national monument.

Now why did they do it? Well, we wanted to know. Of course we wanted to know. I chair the Subcommittee on Public Lands and National Parks; I really thought I had a right to know. Did not Governor Leavitt have a right to know? Did not our two senators have a right to know? Did the rest of the delegation? What about the people in Utah; did they not have a right to know? Apparently not, Mr. Speaker.

So we subpoena all these papers, the volumes of papers after a little hassle with the White House. Do my colleagues know what they said? We are doing it for political reasons. We are doing it because the environmental community will think it is wonderful. As my colleagues know, these folks from New York and other areas, they

think that is great. What about the people who live there? Do they not have a say in anything?

So we have a national monument, yet to this day I do not think anyone has delineated what it really protects. So we have this huge piece of ground of rolling hills, of sagebrush and rattlesnakes, and I sure hope somebody enjoys it because everyone that goes there only goes once, and anyway all this little simple bill is about is to say: "Let us have a little notice, Mr. President. We don't want to take away your rights."

In the last term on this floor, we passed one that said let us reduce it to 50,000 acres. We have 73 national monuments, most of them are very small, and let us make sure that the President names what the historic or scientific area is.

How big is 50,000 acres? Pretty good chunk of ground. Realize all of Washington, D.C. is 38,000 acres; bigger than Washington, D.C., and yet the other body did not see fit to pass the legislation.

So this bill is about public participation. All we are saying is the Governor of the State, the congressional delegation of the State really ought to have the courtesy, that word that does not seem to be so prevalent recently, just the courtesy for someone to let us know when we are going to do this, 60 days so someone can react.

I urge support of this rule, Mr. Speaker.

□ 0930

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I rise in support of the rule. I appreciate the work of the Committee on Rules providing for an opportunity to fully consider this matter. Hopefully we have come to a resolution and an agreement with regards to public participation in the notification.

The 1906 law that we are amending has had an important history. Over 105 monuments have been declared over the history of presidential use of this power, which is, I think, essential to try to keep intact with some public participation, notification requirements as are outlined in the bill. This is a meaningful step, a necessary step, and I think it will provide for the opportunity where emergencies dictate for the President to take alternative action. I intend to offer an amendment during the consideration of the bill. I appreciate the format and the House consideration of this matter, and this process.

Mr. Speaker, I rise in support of an open rule to H.R. 1487.

H.R. 1487 was written out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act. Although I had several con-

cerns with the original legislation, Mr. HANSEN and I worked together and offered an amendment that Members on both sides of the aisle could support. As a result, I offered an amendment in the nature of a substitute that passed the committee by voice vote.

Because of the bipartisan work on this legislation, I see no reason why this Chamber should not fully discuss the merits of this legislation under an open rule. Mr. HANSEN and I worked through our differences to achieve an equitable solution to a problem that divided this House last year. I plan to offer an amendment today whose intent states that nothing in this Act shall be construed to modify the current authority of the President to declare a national monument as provided to him under the Antiquities Act. I am offering this amendment because the Resource Committee's report didn't accurately represent the intent and scope of my substitute amendment.

I realize that this legislation does not accomplish everyone's goals, but I also must acknowledge that it is legislation that we can all support. Mr. HANSEN and I have worked on this legislation to try and resolve the issue of the monument declaration procedures and are pleased to offer a proposal that hopefully can win broad support. I would like to express my thanks to the Rules Committee for the positive response and action in approving an open rule for the House consideration. This House should openly debate and openly discuss the merits of this proposal and this important presidential power. I urge my colleagues to vote in favor of this rule.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2559, AGRICULTURE RISK PROTECTION ACT

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

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a "dear colleague" letter will be sent to all the Members informing them that the Committee on Rules is planning to meet the week of September 27 to grant a rule for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The Committee on Rules may grant a rule which would require that amendments be pre-printed in the CONGRESSIONAL RECORD. In this case, amendments must be pre-printed prior to consideration of the bill on the floor. 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 that their amendments comply with the House rule.

NATIONAL MONUMENT NEPA
COMPLIANCE ACT

Mr. HASTINGS of Washington. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1487.

□ 0932

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Chairman, I appreciate the opportunity to bring this important bill to the floor. H.R. 1487 was designed to inject more public participation and input into national monument proclamations. The bill as reported from the Committee on Resources is the result of a bipartisan cooperation between the gentleman from Minnesota (Mr. VENTO) and myself and would amend the Antiquities Act to require the President to allow public participation and solicit public comment prior to creating a national monument.

It would also require the President consult with a congressional delegation and governor of the affected States at least 60 days prior to any national monument proclamations. H.R. 1487 as reported from the Committee on Resources requires the President to solicit public participation and comment while preparing a national monument proposal, to the extent consistent with the protection of historic landmarks, historic and pre-historic structures and other objects of historic or scientific interest located on the public lands to be designated.

In addition, H.R. 1487 as reported requires the President to consult, to the extent practical, with the governor and the congressional delegation of the State in which the lands in question are located, at least 60 days before declaring a monument.

I have several specific concerns regarding the qualifiers. The first is the possibility that a President could still ignore the public consultation and official notice provisions of the Antiquities Act because of ambiguous phrases such as, quote, "to the extent consistent," and, quote, "to the extent practical."

While such phrases are intended to give the President a certain amount of

latitude to cope with unusual circumstances, they are not intended to give the President carte blanche to ignore the provisions of the Antiquities Act. Nor were they intended to preclude judicial review if the President does abuse the limited discretion.

The committee strongly intended that the phrases "to the extent consistent" and "to the extent practical," should not be interpreted as allowing the President to ignore the public participation and consultation provisions of the Antiquities Act simply because he can point to possible problems that may occur from delay.

A certain amount of delay is inherent in a statutory scheme that requires public participation, and subsequent to the passage of this bill, Antiquities Act decisions should take considerably more time to make. The President, however, may not skip the public participation phase simply because it may take time. The President is expected to use other available provisions of law to protect the land if such protection is needed while public participation proceeds.

For example, the President should use all other tools at his disposal to protect lands short of a monument declaration. An example of this would be the secretarial ability to conduct a segregation or withdrawal, under Section 204 of the Federal Land Policy and Management Act, while public debate on the proposed monument proceeds.

The second issue is the nature of public participation that the President is required to allow prior to a national monument declaration. The original bill would have required the preparation of an environmental impact statement pursuant to NEPA. The bill as amended does not address, I want that point to be clear, does not address the NEPA issue, but comparable public participation is still required.

It is the committee's strong intent that the President, subject to a few modifications reflecting the peculiarities of national monument declarations and the intent of this legislation, should follow the same general public participation pattern that the Interior Department follows in compliance with NEPA.

The President should provide at all stages of the public process full dissemination of appropriate information, meaningful hearings and allow generous comment periods.

It is anticipated that the President may delegate the creation and administration of these procedures to an appropriate agency, such as the Department of Interior or the Department of Agriculture.

The committee also expects any designation process under the Antiquities Act to address pertinent issues that are necessary for meaningful public comment and sound decision-making.

Finally, H.R. 1487 would require any subsequent management plan developed for a national monument to comply with NEPA. The fact that the

President has gone through an extensive public input process on a decision whether to declare a monument should not be interpreted to replace the NEPA process that is associated with the subsequent management plan.

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

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

Mr. Chairman, I want to commend my colleague, the gentleman from Utah (Mr. HANSEN), the chairman, for his work on this process. For the past 5 years, there has been a great deal of concern and some acrimony concerning the designation of the Escalante-Grand Staircase National Monument by President Clinton in his home State of Utah.

Clearly, that has propelled us to a point where we are seeking to try to make the Antiquities Act, the presidential power to declare national monuments, work in a way that does engage the public and does provide notification to elected Members of the House and Senate, and to the governor of the State. That is basically what this legislation does.

I know that there are a lot of other initiatives that he has put forth with regard to this, but I think this one does get to the issue at least of notification so that there can be perhaps somewhat of a more open debate with regards to this matter.

The legislation, as was amended in the Committee on Resources, offers a common sense approach to the designation of monuments under the Antiquities Act. I was pleased to work out the provisions with the chairman of the Subcommittee on National Parks and Public Lands. He initially wrote H.R. 1487 out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act.

Congress, of course, established the Antiquities Act in 1906 to provide the President an opportunity to protect historic landmarks, and pre-historic structures and other objects of historic or scientific significance that face possible damage or destruction due to Mother Nature or man's encroachment.

I might say that the Antiquities Act only applies to public lands. Generally, of course, we are talking about Federal lands. It does not apply to State lands. It does not apply to private lands, although sometimes there are, in terms of the Federal lands, those lands could be within those parcels.

At the time, of course, of its passage early in this century, Congress realized that its very nature as a deliberative body precluded the House and Senate from acting swiftly when important scientific and cultural objects or landscapes were at risk. Because of the potential threat with conflicting Federal land policies impacting public land, Congress recognized the need to expedite national monument designations and accorded presidents broad new powers embodied in the Antiquities Act

of 1906. Congress did not identify a specific plan for the level of public involvement, or notification that may be appropriate in the designation of national monuments by the President.

The fact of the matter is, even at that early date there was great controversy over it. In fact, then President Theodore Roosevelt was taken all the way to the Supreme Court for his designation of the Grand Canyon, which, of course, was something over a million acre designation. It was a very large designation at the time, because Congress has, then and now continued to jealously guard its role in terms of land use questions.

I mean, in fact, the committee that the chairman presides over is a committee that I chaired for almost 10 years; and I think that he will attest to, certainly I would, to the level of work that we are involved with. I think as a subcommittee, it probably acts on more legislation than almost any other subcommittee in the Congress. So it is, I think, an indication of not just the role of Congress but the exercise of that role in terms of making these land-use decisions.

The President at that time, when this issue was contested in the Supreme Court, the President's powers were upheld and to, in fact, make the types of designations that he has made. Since then, as has been rolled off my tongue so many times, there has been 105 such designations. Many of them have, such as the Grand Canyon, become really the gem stones, the jewels and the crown, we might say, of our national land conservation system.

Today, with the passage of various other public lands bills, such as the Organic Act or the Federal Lands Policy and Management Act, the laws that govern parks, wild and scenic rivers, the Antiquities Act has leveled the playing field for the President. That is, we do a lot more. If Congress languishes on a public land designation, of course, the President possesses the authority to immediately protect the land in question under the Antiquities Act, as he did in 1906. Congress, conversely, has been, I think, very aggressive over the last 2 or 3 decades in terms of moving to declare wilderness, to, in fact, designate parks and to, in fact, recognize the special qualities of our lands.

□ 0945

I might say that one of the issues in terms of the Antiquities Act is that Congress has given great authority to in fact the use of our lands for public education purposes, under the Morrill Act and the 1872 Mining Act. There are laws that govern the appropriation of surface waters, largely, obviously, governed under the jurisdiction of some of the States, but nevertheless embodied in Federal policy. So there are many potentially conflicting uses of public lands under the governance of laws that frankly run to the earliest history of our Nation.

The Antiquities Act obviously was intended to recognize largely, as is indicated in its body, and as I have repeated, the cultural, the historic, the natural qualities, the natural landscapes that have become recognized as being very important.

As originally introduced, the measure we are considering I think was unworkable language that effectively would have undermined the authority of the President to designate threatened public lands as national monuments. This important power, while as important today as it was yesterday, obviously, being limited by other laws would have prevented the President from acting in a timely manner, indeed, if the need would arise.

The legislation led Members to believe it required the President to follow, for instance, the National Environmental Policy Act compliance requirements, although the requirement was unusual in itself, since actions taken, congressional or judicial or presidential actions, are not subject to NEPA. This legislation actually forced the President not just to follow NEPA, but even go beyond the requirements of NEPA.

The measure that was introduced attempted to identify the effects before any cause could be studied, and seriously deviated from the public view and comment period mandated in NEPA. It set, I think, an unfortunate precedent by subjecting the presidential actions to judicial review before a final decision on land designation was made. It allowed the President to withdraw land on an emergency basis for only a 24-month period.

Even after all of that process, any time you have a deadline of this nature, it works against the land designation, because surely that would run out. Congress may not act. There are, obviously, a group of competing interests in place practically, by definition, when the President would make such a declaration.

Finally, the time requirements on the environmental impact statement are such that land could still be open to development prior to the designation being made. For these reasons and many others, my colleagues in the committee and the administration, of course, strongly opposed the initial bill.

Prior to the committee meeting, the gentleman from Utah (Mr. HANSEN) and I agreed to a substitute amendment. We achieved, I think, the goal of public participation and notification, and also an amendment that Members on both sides of the committee could support. The substitute amendment directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment in the development of the declaration, to consult the Governor and the congressional delegation 60 days prior to any designation, to consider any and all information made

available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

As a result, of course, of this agreement, the amendment passed the full committee by voice vote. I would say with regard to NEPA that very often our public lands, whether it is under the Bureau of Land Management, resource management plans under the Forest Service, where we have the Forest Practices Act, there is a plan under Park Service lands, Fish and Wildlife, almost all of our public lands come under a guideline where periodically, ideally, at least every 10 years, there is a revision of that plan. That plan for the land use has to go through a NEPA process. So I would say embedded in the data system that we have, there are NEPA plans that exist that give us a good view or at least a current view of what the National Environmental Protection Act policy is with regard to plans that are proposed, so there is a body of information concerning that.

In fact, that does require public participation, and it is the action of the President, in this case in terms of the declaration of a monument, that does not in this instance, just as the actions of Congress or a court, do not require NEPA participation. Of course, once a monument is declared and a plan is put forth with regard to how to manage that, again, that would be subject. But the action itself would not be subject to NEPA.

I am also going to be offering an amendment today to this measure. This amendment, which the gentleman from Utah (Mr. HANSEN) has indicated his acceptance of, states that nothing in the Act should be construed to modify the current authority of the President to declare national monuments, as provided to him under the Antiquities Act. It reaffirms the intent of the bill's substitute amendment, which establishes public participation and consultation on the national monument designation to the extent consistent with the protection of the resource values of public lands to be designated.

I, of course, feel it is necessary to offer this amendment to rectify confusing report language to H.R. 1487 which did not accurately reflect the intent and the scope of our agreed-to substitute amendment.

Mr. Chairman, the Antiquities Act is a cornerstone, really, of the United States environmental policy. It springs from the earliest origins, in a sense, of the conservation movement under then President Theodore Roosevelt. It has been used throughout this century.

I believe this legislation is a good compromise. It allows this Antiquities Act to come full circle regarding its participation provisions, something I think that is desirable. It still grants the President full authority to designate national monuments. It provides for public input, and allows for

each congressional delegation to take part in the consultation process.

I am pleased that the gentleman from Utah (Mr. HANSEN) and I were able to work together on a potentially difficult issue that has divided the House for 5 years. I urge my colleagues to support this legislation, and hope that the Senate will act on it. I am optimistic that the President will accept these qualifications and process issues with regard to the Antiquities Act of 1906.

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

Mr. HANSEN. Mr. Chairman, I yield 90 seconds to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise today to support H.R. 1487, the National Monument NEPA compliance Act of 1999. I thank the gentleman from Utah (Mr. HANSEN) for his efforts in bringing this legislation to the floor.

Since President Clinton abused the 1906 Antiquities Act in 1996 and designated the Grand Staircase Escalante National Monument without any participation from the surrounding public interest directly affected, citizens from across eastern Washington have contacted me to express their concern about how this type of action could happen again and affect their livelihood.

While I, too, want to preserve the heritage of our public lands, especially given their importance to the history, commerce, and recreational possibilities of our region, we should not be afraid to let people participate in this process.

Mr. Chairman, experience has taught us that ambiguous laws and Federal directives give the power of interpretation and enforcement not to citizens and local elected officials, but to Federal agencies. This often means that they could set policy at odds with the priorities of local government, businesses, property owners, and other citizens. A great variety of individuals, from fishermen to farmers to businessmen to loggers to Native Americans, depend upon the public lands in the Pacific Northwest for their recreation and livelihood.

I have made it a priority to protect the people's right of access against intrusive Federal programs, and most importantly, to give my constituents an opportunity to participate in such important public policy decisions. Such public input should be an integral part of this process, and can still lead to environmentally sensitive policies.

Mr. Chairman, I urge my colleagues to vote to include the public, and join me in supporting H.R. 1487.

Mr. HANSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. STUMP).

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

Mr. STUMP. Mr. Chairman, I rise in support of this bill introduced by my good friend, the gentleman from Utah

(Mr. HANSEN), the National Monument NEPA Compliance Act.

H.R. 1487 will provide a much needed fix to a very antiquated law. I commend the gentleman for introducing this bill.

Mr. Chairman, in 1906, the United States Congress provided the President of the United States or a representative, the opportunity to designate national monuments. When done correctly national monument designations are an important tool in preserving historic landmarks, and objects of historic and scientific interest. But, Mr. Chairman, the use of the Antiquities Act has been severely abused, most recently by the current Administration.

Mr. Chairman, H.R. 1487 will provide a much needed fix to an antiquated law. H.R. 1487 ensures public participation in the declaration of national monuments. H.R. 1487 would require the President to consult with the Governor and Congressional delegation of the affected State at least 60 days before a national monument proclamation can be signed. This legislation would also require the President to consider any information developed in forming existing plans before such declaration.

Mr. Chairman, I support this bill wholeheartedly and urge full House support of The National Monument Public Participation Act.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I want to commend the gentleman from Utah (Chairman HANSEN) for this legislation, the work that he has done, and the cooperation we have seen from the other side, as well.

I rise today in support of H.R. 1487, a bill that would require public participation, public participation in the declaration of national monuments under the Antiquities Act.

Today the President can create a national monument on virtually any Federal land that he or she believes contains an historic landmark, an historic structure, or other object of historic or scientific interest. In doing so, the President is to reserve "the smallest area compatible with the proper care and management of the objects to be protected."

Do we suppose when Congress passed the Antiquities Act in 1906 that they thought a future president would use the act to protect 56 million acres in one fell swoop, as President Carter did in Alaska? Did Members think that the residents of Utah would one day wake up to learn that 1.7 million acres of their State had in effect secretly been declared a national monument, again without any public hearings or comments?

That is the real issue here: Did Congress truly intend to abdicate its jurisdiction and empower a sitting president with the authority to designate literally millions of acres, without even notifying the Governor or the elected congressional delegations of the affected States? I do not think so.

This really hits home in my district. Farmers, ranchers, landowners in my district are frankly concerned. They are scared. They are scared that one

morning they, too, will wake up to learn that the President has designated Steens Mountain as a national monument. They are afraid that the characteristics of that mountain will change with the impending influx of tourists who would travel to visit a national monument. We have seen this, and we have heard reference to the Grand Canyon. We know the kind of tourist activity that occurs after these things are highlighted.

Last month the Secretary of the Interior visited Steens and made it clear that if some form of legislative designation is not placed on the Steens, then this administration will act before they leave office.

Do Members understand why my constituents are afraid? They are afraid because something is going to happen that they do not have any ability to have any say in. That is what they are concerned about.

I went down there over Labor Day weekend and spent a couple of days looking firsthand at Steens Mountain. I toured it with ranchers, recreationalists, local Department of the Interior employees, and others who live and work, and have for centuries, around this mountain. I wanted to understand what it was the Secretary was talking about, and what it was that was going on in the Steens.

After a couple of days of walking and flying and horseback riding over this mountain, I ended up with more questions than answers about why the Secretary was making this threat. From what or from whom was he rushing to protect the Steens, and what will the local effects be of another divisive edict from Washington, D.C.?

That is what people are concerned about about our Federal Government, is that they pay the taxes and have no say; that these things come down in the middle of the night, and they are left out of the process. That is wrong.

Before someone blindly places a designation on Steens Mountain, we need to carefully ask, does the mountain really need Washington, D.C.'s protection or meddling, beyond the public and private cooperation that exists today, and has for nearly a century? From what I have seen, I am not convinced it does.

Steens Mountain is a treasure. The current management and protection of it appears to be working well. But as we progress, let us first clearly identify what the problems are, and then take the time to carefully consider the needs of the mountain and those whose livelihood depends on it for ranches, recreation, and tourism, before it is subject to some sort of executive mandate driven by political whim.

That is why this bill is so important, Mr. Chairman. It is an excellent bill because it gets at the very issue of public participation. What is wrong with requiring the President to solicit public participation and comment and then consider it? What is wrong with requiring consultation with a State's

delegation to Congress and the State's Governor? What is wrong with asking that a significant action affecting everyone have to meet the procedural requirements of the National Environmental Protection Act?

This bill is an important piece of legislation that will go a long way toward alleviating the fears of the residents of Harney County and others who live near proposed monuments.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

□ 1000

Mr. GIBBONS. Mr. Chairman, I congratulate the gentleman from Utah (Mr. HANSEN) for his leadership on this issue, and I rise in strong support of the bill H.R. 1487, a bill that will ensure public participation in the creation of national monuments.

Quite frankly, I am surprised that there would be any type of opposition to this legislation. We are not abrogating the President's power or his authority under the Antiquities Act in any way except to require him to allow public participation into the process.

He can still create monuments. No size limitations will be imposed except those already existing or contained in the original 1906 act. The President can still act quickly. In fact, he can even avoid public participation provisions in this bill if there is some unforeseen emergency that cannot be taken care of by existing withdrawal authorities.

There is simply no reason to oppose this bill. All we are asking is that national monument proposals see the light of day before being sprung on Congress, a State, and the American public. Even President Clinton's most ardent supporters admit that the creation of the Grand Staircase-Escalante National Monument was unfair, discourteous, and partisan.

I would like to add that it was also a slap in the face of the people of Utah and showed general disdain and lack of respect for democratic principles. There is nothing to stop it from happening again in my State or in my colleagues'.

If we pass this legislation, the American public will be able to participate in the national monument proclamation process. That should not be too much to ask from any administration. In almost every other public lands decision, they are afforded the right to receive information on pending public lands decisions and afforded the right to submit comments.

This is not anything unusual. In fact, it is the right way to conduct business. Mr. Chairman, if the public participation is good, and I submit that it is, then it should be applied across the board.

H.R. 1487 is a great bill. It will inject light and open us into a process that needs to be more open. I intend to vote

for H.R. 1487, and I urge all my colleagues to do likewise.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. CANNON). The district of the gentleman from Utah has the entire Grand Staircase in it.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 1487, which is a bill to ensure public participation in the monument designation process.

Our colleagues know all too well how President Clinton recently used the 93-year-old Antiquities Act to create the Grand Staircase-Escalante National Monument in my district in Utah. Although there are certainly lands within the monument that are worthy of designation, I believe that the process, or the lack thereof, was fundamentally flawed. Not one local elected official was included in the planning or evaluation of this designation. This, Mr. Chairman, is wrong and should not continue.

Mr. Chairman, millions of people have moved to Utah or remained in Utah for generations to enjoy our beautiful landscape and pristine environment. Utahans are very proud of and cherish our State and want to work to protect our lands. To suggest that Utah officials that have been elected by these Utahans are incapable of making or at least being included in land management decisions affecting our lands is deeply offensive.

This is exactly what occurred in 1996 when, literally, during the dark of night, the designation of the Grand Staircase-Escalante National Monument was drafted. Each and every public official in Utah was blindsided. For the last 2 years, businesses, citizens, and local government have had to react to the designation rather than to work with the administration to achieve some kind of beneficial outcome.

Since 1906, when the Antiquities Act became law, Congresses have passed legislation which requires public participation and input. Unfortunately, in 1996, the people of Utah were never given the opportunity for input. Had we been included in the deliberations of how to protect this land, much of the bitterness and heartache that is felt in southern Utah regarding the monument could have been avoided.

The use of the Antiquities Act in my district was wrong. It should not happen again. I am pleased that the gentleman from Utah (Chairman HANSEN) and the gentleman from Minnesota (Mr. VENTO) were able to craft language to improve the process. I congratulate them both on their work. The Hansen-Vento language simply requires the administration to notify, and consult with, the governor and the congressional delegation of the State at least 60 days prior to any monument designations in the State.

Mr. Chairman, there are rumors that many other monument designations are planned before the end of this administration, and to simply to require that the affected local officials be con-

sulted is common sense and consistent with current law and congressional intent.

This is a common sense approach that will require that a little light be shed on the land management practices of this administration. The gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) worked hard on this bipartisan compromise legislation, and I urge all of our colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Montana (Mr. HILL).

(Mr. HILL of Montana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Utah (Chairman HANSEN), and I want to congratulate him for his good work on this bill.

We have a National Environmental Policy Act, and the intent of that act is so that, when public land management decisions are made in this country, those making the decisions are required to examine the environmental impacts, economic impacts, and social impacts. The process requires them to scope all those potential impacts and then to try to balance and mitigate how those will affect that decision-making process.

The 1906 Antiquities Act obviously was drafted before the National Environmental Policy, and so it is not subject to the NEPA process. So we really do not have a very good process for how those decisions will be made.

Of course, we have heard the President designated 1.7 million acres in the Escalante-Staircase as a national monument. He did so without any public comment at all. In fact, he sought secret input from selected groups but, in the process, actually ignored, even misled members of his own party and the local political leaders in making this decision.

This was a profound decision. It impacted 1.7 million acres. In the past, monument designations were relatively small parcels. So this decision by the President highlighted the weakness and the shortcomings of the Antiquities Act.

So this bill, while it does not subject that decision to the NEPA process, which I personally would prefer, does begin the process of opening it up. It requires the President to seek public comment and to consult with local leaders before making that decision.

We have always felt, or in recent years we felt, that public land management decisions should be made in an open process, that we ought to seek the input of citizens in making that decision. Why? So that we get input from the wide variety of different opinions about how that decision should be made.

This decision was made in secret. This decision was made in a fashion that actually misled local landowners, local political leaders, the governor, even the congressional delegation.

So this bill, in opening up the process, is really about good government. I think open government is good government.

Will this bill have any negative impact on the President's authority to protect the environment? No, it will not. The President has other emergency powers to withdraw lands temporarily and to propose permanent withdrawals to development if he feels there is a threat to the environment. This bill does not affect that at all.

However, I would point out to my colleagues that that kind of a decision is subject to the National Environmental Policy Act, and it would be my preference that we make this designation that way, too.

But this does not affect the President's emergency powers, temporary powers, or his permanent powers. This is a good government bill. I urge that we support this bill because it will open the process. I urge all my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very modest, common sense, and much-needed proposal. I thank the gentleman from Utah (Mr. HANSEN) for yielding me this time, and I commend him for bringing this very fine legislation to the floor of this House.

Our Founding Fathers established a Government which is supposed to be of, by, and for the people. Unfortunately, what happened in Utah shows that what we have now is a Government of, by, and for the bureaucrats and a few elitists at the top.

Unfortunately, what we saw with this Utah land grab was an abuse of power through a very old law that is really no longer needed. There were no checks and balances. There was no public discussion. There was no consultation with the Utah congressional delegation or the Governor of Utah. There was a deliberate attempt to keep this thing as secret as possible for as long as possible.

H.R. 1487 simply requires the administration to solicit public participation and comment while preparing a national monument proposal. It also requires that the President consult with the governor and congressional delegation of the State in which the lands are located.

To oppose this bill is to oppose even very minimal public participation in this process. What we saw with the designation of this 1.7 million acres in Utah was a very real abuse of power.

During a hearing before the House Committee on Resources in 1997, the Governor of Utah testified that the first reports that he had received regarding this proposal were from a story in the Washington Post. In addition, he testified that he did not receive official word of this proposal until 2 a.m. in the morning the night before the announcement was being made.

At this same hearing, Senator ROBERT BENNETT testified that his staff found a letter from the Interior Department to a Colorado professor who was responsible for drafting the proclamation. In this letter, the Interior Department official stated, "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen so take care."

This almost makes one wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union and other dictatorships.

People in other parts of the country should be concerned about this. We should all be concerned because of the political wheeling and dealing, the arrogance, the extremism of the way this designation in Utah was carried out. But perhaps even more importantly, if they do it in one place, they will do it in another if people do not speak out against this type of political shenanigans.

With that said, let me just note that all this legislation would do is make a minor modification to make sure that the public can be involved in decisions that affect large portions of public land. This Utah land grab affected 1.7 million acres, which is three times the size of the Great Smoky Mountains National Park, the most heavily visited park in the country. So millions of people all across this country realize how significant this is.

Mr. Chairman, is it really so bad that we allow the public to participate in such important decisions? I do not believe the President should be able to designate such a huge amount of land as a national monument without some extensive public discussion and meaningful participation.

Mr. Chairman, this legislation is a modest proposal. This is not a Western or an Eastern issue; this is a democratic issue that affects us all. If my colleagues think that we should have just a small group of people at the top making significant, important decisions like this in secret, without any real meaningful public involvement, then they should vote against this bill. However, if they think it should be the right of the American people to have at least a small say in what their Government does, then I hope they will vote for this legislation.

I urge my colleagues to support H.R. 1487 so that we can put the people back in the process at least in a small way.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from the second district of Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise in strong support of H.R. 1487. This excellent bill will allow the public to participate and comment on any proposed national monument declaration. I commend the gentleman from Utah (Mr. HANSEN) for his tireless effort to protect democracy.

This bill requires the President to consult with the governor and the congressional delegation of the affected

State 60 days prior to the designation of a monument. Now, this modification of the Antiquities Act, an act in large measure brought forth by one of the greatest Presidents of the United States, Teddy Roosevelt, is absolutely necessary to prevent the kind of abuse that this President was involved in in the creation of the Grand Staircase monument in Utah.

The bill of the gentleman from Utah (Mr. HANSEN) still gives the President the ability to move more quickly, if necessary, to protect an endangered site. I urge my colleagues to support the bill and to vote to protect America from presidential excesses.

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

Mr. Chairman, I wanted to point out the dilemma, frankly, that any chief executive faces with regards to these land-use decisions. As has been articulated accurately by my colleagues from the committee, the President has some emergency powers for 36 months to, in fact, withdraw public lands from mineral entry. Of course we have, through other land designations, excluded lands, some lands from mineral entry under the Wilderness Act and under other conservation designations that we make.

But we are still, in terms of looking at our National Forests and looking at our BLM lands, looking at about a half million acres of lands that lie within them; and better than about two-thirds of them are still open to mineral open, which would constitute some 300 to 350 million acres of land that would be open to such mineral entry and for other appropriations for water, for other uses, even under the Homestead Act and under other uses.

So the President, one of the phenomena that occurs whenever there is a suspicion that a chief executive or, for that matter, that Congress is going to take some action to, in fact, prevent the use under the mining acts, under various other limitations, wilderness designations, road-type of access issues, very often we see a phenomena where those interests that have an interest in mining claims or perfection of those mining claims or access questions or riparian questions with regard to water, when they see we are going to take any such action, they begin to make such claims on these lands.

□ 1015

This is a problem that we face. And, of course, because we are much more encumbered in Congress in terms of moving, we cannot just move without the Senate and without the President and without our colleagues supporting us, very often these instances of claims can take place and they really, in a sense, very much provide new barriers and provide new obstacles in terms of trying to clarify the use of such lands.

So, too, the President faces the same problem in this issue of monument declaration. It is sort of all or nothing. If in fact, he shares with the public the

fact that he intends to designate a piece north of the Grand Canyon, in the case of my colleague's concern, my friend and classmate, the gentleman from Arizona (Mr. STUMP), then, of course, there could be, obviously, activities that take place that would, in fact, contradict the various features that the President may seek in the end to protect. The particular corridor of my friend, who has introduced the bill, might be compromised in the process because we are not moving ahead on it. So I think this is the issue.

In terms of being open, yes, I think we want to be open, but we do not want to undercut the very purpose that the Antiquities Act or, for that matter, any proposals that we might make in Congress dealing with wilderness or dealing with park designations. So there has to be some degree of non-disclosure, I guess, with regards to specific actions. And that is one of the dilemmas that the President faced in this case in terms of not sharing all the actions he was going to take.

I would just say that there has been some challenge as to the nature of this, the appropriateness of this area, and some aspects about what is important about it. But it is a spectacular area. Southern Utah, since early in this century, has been recognized for the outstanding characteristics and landscapes that exist there. They are among some of the most remote areas on the North American continent. They were some of the last areas, in fact, to even be surveyed because of the remote nature of these vast lands that exist in southern Utah. In the 1930s, then Secretary of the Interior Ickes had proposed the designation of a significant-sized park in that area.

Now, some pieces of that had subsequently been declared national monuments and have evolved into becoming part of the park system, including Zion National Park, and, of course, we had spoken earlier about the Grand Canyon, but I do not know if Bryce was specifically in that area or how it was declared. But, again, as I talk to friends that have visited these areas, they are absolutely astounded at the beauty and the serenity of these magnificent landscapes in Utah.

And, of course, beyond that, since 1930, at the very least, all of my colleagues that are participating in this have been sponsoring legislation one way or another to place parts of what is the Grand Staircase-Escalante National Monument, prior to its being designated, putting part of it into wilderness. There have been proposals from Members of Utah, from the gentleman from Utah (Mr. HANSEN), from others that have served in this chamber, Congressman Wayne Owens, to, in fact, declare significant portions of this area as wilderness.

So they, too, have recognized that some of these landscapes are very special and deserving of our highest degree of protection that Congress and the national laws can accord; that these are

special lands. Whether they agreed to precisely the boundaries and the final action and the process decision here will be debated for a long time. I will not get into that. I think the idea of having public participation, having notification is appropriate, where possible.

We also have to understand the dilemma that we are actually in a sense trying to face and that has to be resolved in these cases where conflicting claims can be made, even after we have made proposals in Congress, or if the President were to lay his cards on the table, so to speak, any president, with regards to this. He would be faced with conflicting uses and claims that may be made, may be made in some cases not even in good faith, solely to extract a payment from the national government for the purchase of that use or that right to use that public land for water, for mineral entry, for access and for other factors.

So we have to be cognizant of what is possible. We would hope that everyone would act in the spirit of good faith that this legislation would envision; that they would, in fact, conduct themselves in a way that would make the public participation meaningful, without contradicting and undercutting, at the expense of the U.S. taxpayer, the efforts to protect these conservation lands.

Mr. Chairman, I provide for the RECORD the Presidential Proclamation regarding the Grand Staircase-Escalante.

PRESIDENTIAL PROCLAMATION—GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive

south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodylians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an

outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia. Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

Now, therefore, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Grand Staircase-Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interest in lands owned or controlled by the United States within the boundaries of the area described on the document entitled "Grand Staircase-Escalante National Monument" attached to

and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

WILLIAM J. CLINTON.

Mr. Chairman, may I inquire of the time remaining on each side at this point?

The CHAIRMAN (Mr. MILLER of Florida). The gentleman from Minnesota (Mr. VENTO) has 10 minutes remaining, and the gentleman from Utah (Mr. HANSEN) has 6 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), who has long been an advocate of participation in the land use decisions of the great State of Utah.

Mr. HINCHEY. Mr. Chairman, I thank my colleague, the gentleman from Minnesota, for offering me the opportunity to speak on behalf of the

Grand Staircase-Escalante National Monument and the need to protect and preserve this very valuable piece of American heritage.

The first point that I think that I would like to make in this context is that the land in discussion with regard to Grand Staircase-Escalante is, of course, public land. It is land that is held in trust by the Federal Government for all of the people of the United States. And as the gentleman from Minnesota (Mr. VENTO) pointed out so clearly just a few moments ago, this is land that has been regarded as having great value for archeological reasons, historical reasons, and for the sheer extraordinary beauty of the landscape itself. And that regard dates back to the early days of exploration of the West in our country. And in terms of political action, it dates back to the early days of the Roosevelt administration, that is the Franklin Delano Roosevelt administration, and even, in fact, to the administration of Teddy Roosevelt, who recognized also the extraordinary importance of this landscape.

President Clinton, I think much to his credit and to the great joy and admiration of many people around the country, designated the Grand Staircase-Escalante as a national monument. He did so not completely out of the blue, as some people would contend, but he did so with very substantial indication and notice. It came as no surprise to me, it came as no surprise to any member of the Interior Committee at that time in the House, and it came as no surprise to a great many Americans who are concerned about these issues. The designation was a welcome one in almost every quarter.

And, in fact, that designation has resulted in very substantial and significant economic benefits as well as those benefits that arise from the protection of this federally protected, publicly-owned land held in trust by the Federal Government. Those economic benefits can be seen very dramatically in the communities surrounding the Grand Staircase-Escalante National Monument. They can be witnessed in the fact that a great many small businesses have now sprung up in that area. These small businesses are providing jobs for people in the community and they are also creating significant amount of wealth for those people who are the owners of these small businesses.

That is true entirely for only one reason, the designation of this national monument and the hundreds and thousands of people who have traveled to that part of the country to witness this national monument. And in so doing, of course, they spend their money in the surrounding region, in hotels and motels, and restaurants, and in various other establishments, all of which has been to the benefit of the local economy.

So the designation of this national monument was a very wise one. It was

the culmination of a tradition of interest by various administrations, both Republican and Democratic, over the course of this century in the United States. It is much to the credit of President Clinton that this designation went forward, and it is much to the benefit not only to the Nation and to every member of our public who values the extraordinary beauty that is so apparent in this part of the country, the most dramatic that can be found anywhere in the West, but also for the preservation of the ecological resources of this region, the archeological resources of this region, and the opportunity that it has provided for significant economic growth in the surrounding communities.

So this is a fine act, and any attempt, I think, to subvert the process by which presidents, again both Republican and Democrat, have used over the course of the years since it was first established to recognize the unique value of certain portions of our country and to so designate them then as national monuments, that process should not be subverted. It should be allowed to continue in the same vein that it has for many decades.

Notice, of course, is fine, and the amendment that the gentleman from Minnesota (Mr. VENTO) proposed in the Committee on Resources, and which was adopted by that committee, is very neat and fitting and suitable. However, any attempt to undermine the intent of that amendment, which was adopted by the majority of the members of that committee, and which I believe would be supported by the majority of the Members of this House, any attempt to subvert that language is wrong, it is out of place, and it ought to be rejected.

So I rise here in support of the activities of the gentleman from Minnesota on the Committee on Resources, in support of the President's naming of the Grand Staircase-Escalante as a national monument, and opposed to any action that might subvert those efforts.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

In closing, I would just suggest that there will never be agreement, I expect, on the process that occurred with regard to Grand Staircase-Escalante. Our purpose here today is to obviously demonstrate the features of this area, to somehow talk about the problems that the President faces under the existing process, some of the problems we face under the process we have for designation of lands for various purposes, and some of the conflicting laws that we are trying to untangle in terms of clarifying or providing for public participation and notification so that there is a good understanding.

In any case, I think this legislation is a positive step, a very positive step in terms of addressing what has been, obviously, a contentious matter with regards to this recent designation and throughout the history, frankly, of the

Antiquities Act. So, hopefully, with that said, Mr. Chairman, and with the action today and action on our amendments, we will help alleviate some of these problems.

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

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we have heard a lot about this 1906 Antiquities Act. Keep in mind that that is when it was passed, 1906; and from that time to this time, do we have other laws that protect the lands in the State of Utah? We have probably more than we need. We have the 1916 Organic Act, where the parks came from; we have the 1976 FLPMA; we have the 1969 NEPA; we have the 1964 Wilderness Act; we have the Wild and Scenic River Act. We have so many acts we do not know which ones we are dealing with. So we have all these acts. This truly is an antiquated law.

But we are not trying to change it, contrary to what some people are trying to allude to. We are merely making a minor, minor change in the law that says people should do things in the light of day. We are not going to do it in closets. We are going to do it on sunshine laws. Yesterday, as I sat in the Chair that is all I heard from the other side, there should be sunshine laws, when we were talking about juvenile justice and things such as that.

What is this bill about, Mr. Chairman? It is about the word abuse. That is what the word is, it is abuse. The 1906 Antiquities Act says this, it says that the President will designate why he is doing something; is it historic or an archeological reason.

□ 1030

Now we look at things like where the two trains met, the Golden Spike, obviously a historic area of less than a hundred acres. Now look at the beautiful things such as the Rainbow Bridge, obviously archaeological.

Now read the proclamation of the 1906 Antiquity Law. Does anyone see anything in there where the President says, I am doing this for a historic area; I am doing it for an archaeological area? No, it does not say that anywhere. So why is he doing it? Again, it goes back to the word "abuse."

As my colleagues know, we were completely ignored in this issue, all members of the delegation, no member of our State legislature, no member of the governor's office, including the governor himself. And so, we subpoenaed all of these papers, we got them in our own hands, why did you do this? And we wrote a pamphlet and we happen to have copies of it here. It is called "Behind Closed Doors: The Abuse of Trust in the Establishment of the Grand Staircase-Escalante National Monument."

What did they say in this? Did anyone overhear or did anyone read it?

Well, maybe we ought to take a look at some of the things that were said, which I find very interesting.

In a memo of August 14, 1996, a memo to the President from Kathleen McGinty, chair of the CEQ, candidly discusses this thing:

"The political purpose of the Utah event is to show distinct, Mr. President, your willingness to use the Office of President. It is our considered assessment that an action of this type of scale would help to overcome the negative effects toward the administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support you."

On March 25, 1996: "I am increasingly of the idea that we should drop these Utah ideas. We do not really know how the environs, how are the environs going to respond? I do think there is a danger of abuse."

March 22: "The real remaining question is not so much what this letter says but the political consequences."

And then they go on to say: "This ground is not worthy of protection." Is that not interesting? "This ground is not worthy of protection."

Well, did anybody know, yes, some people did know, the environmental community was told, I guess they are more important than the elected officials of the State of Utah, and a lot of movie actors were told; and they were standing there and cheering, and these people do not have a clue of what is going on in the West or any of our laws, not a clue; and yet they are told and they are standing there working on these particular issues.

So, Mr. Chairman, we may ask ourselves, I guess we get a little paranoid in this job and we start wondering what is happening. The paranoia, now we are hearing these rumors again, much like my AA calling up and saying is this going to happen and Ms. McGinty saying, no, we do not know anything about it; and yet this pamphlet here shows she knew about it for nine months and planned it herself, and the administration knew about, and the Department of the Interior knew about it and all these movie actors knew about it. But, of course, we are not told about it.

So here we find ourselves in a position, is anybody else going to get this? Who of the 435 districts is next? Who is the lucky guy that is next, has this thing come zooming down on him and all of a sudden he has it?

I am amazed at my Eastern brethren, who I have great respect for, who love to come out to Utah and the West and tell us how to run our ranches. I guess we are too stupid to know ourselves. But still, on the other hand, I would think the people that are there should have some input on what goes on.

People who have never been to the West drop bills in that particular area. Maybe it is a good throw-away vote. It

does not mean anything to us if they take 1.7 million acres of Utah, bigger than their entire State in many cases. Why do we care, or Nevada, or Wyoming, or any of those areas? Why do we care? It is nothing to us, who are a bunch of redneck Westerners. What do we care? They do not know anything.

So I really think a lot of us from other areas ought to think seriously. Maybe we ought to follow the administration of the gentleman from Alaska (Mr. YOUNG) when he says, why do they not just take care of their own district.

That is the theory of the gentleman from Alaska (Mr. YOUNG). I do not know if that entirely works. But still, on the other hand, still I think everybody in their own district knows what is going on there and does a good job of it.

Mr. Chairman, this is about abuse, that is the whole thing, and how to stop it. We are not changing the law that much. I urge people to support this bill.

Mr. UDALL of Colorado. Mr. Chairman, when the Resources Committee held a hearing on this bill earlier this year, I found it a very troubling measure—one that I could not then support. However, because the Committee made significant revisions in the bill, I joined in voting to send it forward for consideration and further refinement by the House.

Shortly, we will consider an amendment to further clarify the bill's very limited scope. I will support that amendment, and, if it is adopted, I then will support the bill for two reasons—because of what the bill as so amended will do, and because of what it will not do.

What it will do is highlight the value of public input about managing public lands—lands that belong to all the American people.

It will do that by urging the President, so far as practicable, to seek public participation and comment and to consult with relevant Governors and Members of Congress about possible actions under the Antiquities Act. It also will call on those involved with such possible actions to consider relevant information, including previous public comments about the management of the lands involved.

These are very modest provisions, but I think they are worthwhile.

Even more important is what the bill will not do. It will not weaken the Antiquities Act, and it will not diminish the ability of the President to act quickly when that's required to protect vulnerable resources and values of the public lands.

Mr. Chairman, the Antiquities Act is a very important law that has proved its value over the years. Since its enactment, almost every President—starting with Theodore Roosevelt—has used it to set aside some of the most special parts of our public lands as an enduring legacy for future generations. In some instances, those Presidential actions have been controversial when they were done. But they have stood the test of time.

In my own State of Colorado, we are very proud of the special places that have been set aside. We do not want to abolish the Colorado National Monument, as established by President Taft and enlarged and revised by Presidents Herbert Hoover and Dwight Eisenhower. We do not want to weaken the protection of Dinosaur National Monument, as established

by Presidents Woodrow Wilson and Calvin Coolidge. We highly prize the archeological and other values of Yucca House, protected by President Wilson, just as we do those of Hovenweep, a National Monument set aside by President Harding and enlarged by Presidents Truman and Eisenhower.

And we are very protective of two more of our brightest gems—the Great Sand Dunes National Monument, first proclaimed by Herbert Hoover, then enlarged by Presidents Truman and Eisenhower, and the Black Canyon of the Gunnison National Monument, which also was established by President Hoover.

Coloradans do not want to lose those National Monuments—we know their value. That's why the Colorado delegation has taken the lead to further expand the Black Canyon monument and to redesignate it as a National Park—something I strongly support.

In Colorado, we know the value of the Antiquities Act, and we know why it should remain available to future Presidents. If the amendment I mentioned is adopted—as I hope and expect—this bill would not deprive future Presidents of this important tool.

Also, if amended as I expect, the bill would still let a future President act quickly—another reason I can then support it. So long as the mining laws allow anyone to stake a claim on public lands that aren't withdrawn, a President needs to be able to swiftly withdraw special areas before a speculative land rush could make it harder—maybe impossible—to give needed protection to threatened resources.

And, frankly, sometimes a future President may need to use the Antiquities Act on short notice to make sure that Congressional deadlocks don't endanger priceless parts of the public lands. That was why President Carter invoked the act when a filibuster threat by one member of the other body stalled passage of an Alaska lands bill shortly before the expiration of the statutory withdrawal of vulnerable areas in that state.

Thanks in large part to that timely use of the Antiquities Act, those areas now include important National Parks and National Wildlife Refuges as well as outstanding units of our National Wilderness Preservation System, all established by the Alaska National Interest Lands Conservation Act—that is, by Congressional action that built on and revised what the President had done.

In fact, Mr. Chairman, that's really the bottom line here—the Antiquities Act lets the President act, but what a President does Congress can undo. For example, by actions of Congress the Mount of the Holy Cross, that famous landmark near Minturn, Colorado, is no longer a national monument—instead now it is protected as part of the Holy Cross Wilderness within the White River National Forest.

As that and other examples show, if we in the Congress disagree with a President's decision to use the Antiquities Act, we can reverse or modify anything that the President has done through that authority—provided that our own preferences have enough support for them to be enacted into law. That's balanced and fair—and that would not be changed by this bill if it's amended as I expect. So, Mr. Chairman, I urge adoption of the amendment I mentioned—and, if that amendment is adopted, and if the bill is not further amended in a way that would throw it out of balance, I think the bill should be passed.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this legislation, though I believe it doesn't go nearly far enough to rein in the political chicanery surrounding Antiquities Act withdrawals and declarations.

I don't know whether to laugh or cry when I hear opponents of this bill deplore the simple requirement that the President follow the National Environmental Policy Act—NEPA—the same stringent environmental review law that other federal agencies have to follow.

Why does the President of the United States have the prerogative to make a small inholder in my state, owning just 20 acres inside a 6-million-acre park, pay hundreds of thousands of dollars to conduct extensive NEPA studies (on behalf of the Park Service) just to have access to his property. How can he justify this at the same time the public—American citizens—cannot demand these studies when millions of acres of land are about to be declared a monument?

This is about accountability and credibility. It's hard to believe, but the public knew less about the President's motives behind the Grand Staircase Escalante withdrawal, than about his mysterious motives behind the pardoning of Puerto Rican terrorists!

Only through the untiring work of my Committee on Resources did we reveal the politically motivated, back-room, election-year deal-making to sacrifice the rights of Utah school children just to please a few Hollywood actors.

I am outraged at the abuse of the Antiquities Act, and it only makes me wonder who's next. Alaska? Arizona? Missouri? I guess that depends on where Republican districts are located, and which Hollywood celebrity bedazzles the President and his aides. But we all know that this is just politics as usual.

This bill simply makes the President do what all other Americans are forced to do for major federal actions: do a NEPA Environmental Impact Study.

If they truly believe that NEPA is a worthy law and protects our environment, then the Clinton/Gore Administration should be required to comply with it, just like everyone else.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

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

SECTION 1. PUBLIC PARTICIPATION IN THE DECLARATION AND SUBSEQUENT MANAGEMENT OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431; popularly known as the Antiquities Act of 1906), is amended—

(1) by striking "SEC. 2. That the" and inserting "SEC. 2. (a) The"; and

(2) by adding at the end the following:
"(b)(1) To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest located on the public lands to be designated, the President shall—

"(A) solicit public participation and comment in the development of a monument declaration; and

"(B) consult with the Governor and congressional delegation of the State or territory in

which such lands are located, to the extent practicable, at least 60 days prior to any national monument declaration.

"(2) Before issuing a declaration under this section, the President shall consider any information made available in the development of existing plans and programs for the management of the lands in question, including such public comments as may have been offered.

"(c) Any management plan for a national monument developed subsequent to a declaration made under this section shall comply with the procedural requirements of the National Environmental Policy Act of 1969."

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. VENTO

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

The Clerk read as follows:

Amendment offered by Mr. VENTO:

At the end of the bill, add the following:

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to enlarge, diminish, or modify the authority of the President to act to protect public lands and resources.

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

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

There was no objection.

Mr. VENTO. Mr. Chairman, I rise to offer an amendment to H.R. 1487.

When the bill was brought before the Committee on Resources, the gentleman from Utah (Mr. HANSEN) and I, of course, worked out a compromise legislation that all of our colleagues in the committee could support. I appreciate that ability to work with the gentleman on that.

The amendment that I offered was accepted in the committee, and it directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment on the development of the national monument declaration, to consult the governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of

the National Environmental Policy Act.

The intent of the amendment that I will offer today says nothing in this Act shall be construed to modify the current authority of the President to declare national monuments as provide to him under the Antiquities Act.

I feel obligated to offer such an amendment due to the report of the Committee on Resources on this measure which did not actively represent the intent and scope of my substitute amendment adopted in the committee. Since the committee did not discuss the substance of this report with me before it was printed, the intent of my substitute amendment was significantly misunderstood and I believe inaccurately represented.

I am concerned that the report directs the President before designating national monuments to go far beyond even the specifics of current law or the changes in the proposed legislation. The report, like the original legislation, discusses a public participation process that goes beyond that of NEPA public participation requirements. Such procedure and requirements discussed in the report would threaten to harm and possibly destroy the natural and cultural artifacts that the President is trying to protect under the Antiquities Act.

In addition, the report further misrepresents and rewrites the consultation provisions adopted by the full committee by making these consultations distinctly separate from the public participation provisions.

Therefore, Mr. Chairman, I offer this amendment, which is obviously a repeat of the powers of the President. It does not modify our intent that there be public participation and consultation unless it is not practicable, but the fact remains that these designations when necessary can and will and should override these procedures. I would hope and I think that in most instances that these public participation and consultation processes will be workable and will alleviate much of the misunderstanding and acrimony that has obviously surrounded the most recent declaration that the President has made in Utah.

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

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. VENTO) for his efforts to work out legislation that could be supported on both sides of the aisle.

I believe the substitute amendment offered by the gentleman in committee is very clear and the amendment offered here is somewhat superfluous. But it is there. There appears to be concern that that legislation will somehow restrict the authority of the President to act quickly if necessary. This certainly is not the case.

The committee language of the gentleman from Minnesota (Mr. VENTO)

reads: "To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures" the President shall solicit public participation and comment.

The language goes on to state that the President shall also consult with the governor and the congressional delegation of the affected State "to the extent practicable."

This is clear that in a real emergency the President may act under the authority he enjoys today. So I think the amendment is unnecessary and really has no effect, but it is fine with me.

The language of the reported bill may be considered somewhat vague and does not specifically address what is meant by the phrase such as "to the extent consistent" and "to the extent practicable."

I assume this amendment is offered to clarify that if existing withdrawal authorities available to the President or his subordinates would not adequately protect endangered lands, the President can act under the Antiquities Act without following the public participation procedures.

The present administration also clarifies the point that while this bill will establish some prerequisites to the President's authority to act, it does not diminish his ultimate authority, after he has jumped through the appropriate hoops to act to protect public lands and resources. Thus, while it does not affect the timing and procedure of the President's authority to use the Antiquities Act, it does not restrict his authority to act to protect public lands and resources.

Mr. Chairman, when the Vento language was accepted at full committee, it was agreed between the gentleman from Minnesota (Mr. VENTO) and myself that bill report language would be written that would make it clear that the President could only avoid the public participation and consultation requirements of this bill in an emergency, specifically, when there is land in some sort of legitimate peril and the President or his appropriate secretaries could not protect the land in question under other withdrawal or protection authorities.

Mr. Chairman, we made that agreement in committee. We drew up appropriate report language. And the gentleman from Minnesota (Mr. VENTO) filed supplemental views. The supplemental view of the gentleman did not contradict the report language in any way. I assume that this was because the report language accurately reflected our agreement and sharpened the points that we agreed should be clarified.

We agreed that the acceptance of the Vento language was contingent on a bill report that would add some teeth to the Vento language. The agreement and the resulting bill report are part of the legislative history of this bill. Nothing in the Vento amendment now under consideration appears to change

that fact, and that is the reason I support the amendment. With this understanding, I support this and I ask my colleagues to do that.

Mr. Chairman, I would like to clarify a couple of points here that were brought up earlier when some people reported that this was all public land in the Grand Staircase-Escalante. That is completely false. 200,000 acres of this was not public land that is surrounded in the Staircase.

Also, the idea the great economic benefits brought about. The children of the State of Utah, those kids we are trying to educate, lost over \$1 billion out of this. I would like to see somebody make up that appropriations that we lost.

Mr. Chairman, I support the Vento amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having resumed the chair, Mr. MILLER of Florida, 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. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, pursuant to House Resolution 296, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of clause XX, further

proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1045

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. MCHUGH). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOOLITTLE moves that 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. 1501 be instructed to insist that the conference report not include Senate provisions that—

(1) do not recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and

(2) impose unconstitutional restrictions on the second amendment rights of individuals.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from California (Ms. Lofgren) each will control 30 minutes.

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

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

Mr. Speaker, I have heard numerous statements made about the further efforts to secure gun control which I believe to be in violation of our fundamental liberties as citizens of this Republic and which I believe do violence to our United States Constitution and the Second Amendment contained therein. And I offer this resolution to instruct our conferees to abide by the Constitution and to do no harm thereto in the deliberations that will occur in the points of agreement arrived at in this conference committee.

Mr. Speaker, let us begin with the Second Amendment: "A well-regulated militia being necessary for security of a free state, the right of the people to keep and bear arms shall not be infringed."

I would submit that it is not the right of the Army, not the right of the National Guard; it says the right of the people, an individual right.

In the Second Amendment, James Madison used the phrase: right of the people, as he often did throughout the entire Bill of Rights. In each case the right secured has been considered an individual right.

For example, the First Amendment contains the right of the people peaceably to assemble and to petition the government for a redress of grievances. The Fourth Amendment contains the provision, the right of the people to be secure in their persons, houses, papers, and affects against unreasonable searches and seizures.

The structure of the Constitution is persuasive, I believe, in upholding the

right of the individual to exercise his Second Amendment rights. The right to bear arms appears early in the Bill of Rights, listed with other personal liberties such as the personal right to free speech, the right to the free exercise of religion, the right to assembly as well as the freedom from unreasonable searches and seizures. Even more persuasive evidence comes from Madison's original proposal to interlineate the new rights within the Constitution's text rather than placing them at the end of the original text as, in fact, actually happened. Madison in his proposed Constitution placed the First and Second Amendments immediately after Article 1, section 1, clause 3, which includes the Constitution's original guarantees of individual liberties, freedom from ex post facto laws, and from bills of attainder.

If, as some claim, that the Second Amendment protects a collective right that resides with the State or the local militia, in his original plan Madison surely would have placed the Second Amendment in Article 1, section 8, which deals with the powers of Congress including Congress' power to organize and call out the militia. But Madison did not do that. He placed it with the individual rights because that is what it was intended to protect.

In Federalist Paper No. 46, James Madison, who later drafted the Second Amendment, argued that, quote, the advantage of being armed, which the Americans possess over the people of almost every other Nation, would deter the central government from tyranny. That view was consistent with Madison's contemporaries and certainly with the framers of the Constitution.

The new Constitution respected individuals' rights, Madison wrote, whereas the old world governments, quote, were afraid to trust the people with arms. Surprise, surprise. Nothing has changed over 200 years later, and the present governments of the world are afraid to trust people with arms, and unfortunately some in their own government have now succumbed to that fear.

But indeed that is what we face today, a distrustful government that wants to take away guns from the people in the name of safety and which unfortunately at State and local levels all too often has been successful, and we see a direct rise in violent crimes as a result of that limitation of handguns.

Not only does this effort discount the thousands of lives saved by firearms each year, it strips away a precious freedom. Let us not forget what Benjamin Franklin said, quote:

Those who would give up essential liberty to purchase temporary safety deserve neither liberty nor safety.

The importance of individual gun rights was a point on which both the Federalists led by Madison and the anti-Federalists agreed.

Though he was strongly critical of Madison in the course of many other

constitutional disputes, Richard Henry Lee wrote, quote:

To preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them.

Patrick Henry, the great Virginian, said, quote:

The great object is that every man be armed.

When Madison wrote the Constitution and Bill of Rights, he was not writing on a clean slate. Many States were demanding inclusion of a list of fundamental rights before they would agree to ratify the Constitution. Madison purchased a pamphlet containing the demands of the States of over 200 rights listed therein. He chose a total of 19 for express listing. This number was eventually whittled down, but one right Madison had to include, which was demanded by State conventions in Pennsylvania, Massachusetts, New Hampshire, Virginia, and New York was the express right to keep and bear arms. The States did not equivocate as to whether this right belonged to individuals or the State militia. Here from Pennsylvania is what was contained in their Constitution, quote:

That the people have a right to bear arms for the defense of themselves and their own State or the United States or for the purpose of killing game.

New Hampshire Constitution says this, quote:

Congress shall never disarm any citizen unless such as are or have been in actual rebellion. End of quote.

New York has this. Quote:

That the people have the right to keep and bear arms, that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defense of a free state.

Here is a great one. I am not going to tell my colleagues who said this, but let me just read it, and I will tell them at the end. Quote:

What country can preserve its liberties if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.

That was not a quote from a modern militia member. That was a quote. It was not Charlton Heston talking or it was not some official from the National Rifle Association. Those words were spoken by the author of the Declaration of Independence himself, Thomas Jefferson.

Mr. Speaker, I have taken the time to go through these quotes by way of background to illustrate that the Second Amendment is a precious personal right of every American. I believe, if we gave full force and effect to it, that we would see a safer society, and it is my desire to have a safer society that leads me to stand up and make this privileged motion. I believe it is very wrong to continue to head down this

path of Federal regulation, taking away fundamental rights on the supposed premise that somehow this is going to improve our society when, in fact, all of the empirical evidence shows that restrictive gun control makes us a less safe society, that it makes our cities very dangerous places to be. The urban areas have the most violent crime, have the least number of handguns. There is a direct correlation, and later on here I will talk about that, but for now, Mr. Speaker, I will conclude.

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

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

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

Ms. LOFGREN. Mr. Speaker, my colleague from California (Mr. DOOLITTLE) has offered a motion that, if adopted, would impair the ability of the House and Senate to adopt reasonable gun regulations, gun safety measures, and that is because in his motion he distorts the actual interpretation of the Second Amendment and interprets it in such a way that courts do not.

I would like to briefly reference some of the U.S. Supreme Court decisions that have addressed the issue of the Second Amendment. The most prominent one is U.S. versus Miller, a 1939 case where the court said, In the absence of any evidence tending to show the possession or use of a shotgun at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia. We cannot say that the Second Amendment guarantees the right to keep and bear such an instrument with obvious purpose to assure the continuation and render possible the effectiveness of such forces the Declaration and guarantee of the Second Amendment will note it must be interpreted and applied with that end in view.

In another case, U.S. versus Hale, a 1992 case from the 8th Circuit and not overturned, but the Supreme Court opined that the purpose of the Second Amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would interfere with the preservation or efficiency of the militia.

The Second Amendment has often been used to try and thwart sensible gun safety measures. In 1992, six of the Nation's former attorneys general wrote in a joint and bipartisan letter, and I quote:

For more than 200 years the Federal courts have unanimously determined that the Second Amendment concerns only the arming of the people in service to an organized State militia. It does not guarantee immediate access to guns for private purposes.

Mr. Speaker, the Nation can no longer afford to let the gun lobby's distortion of the Constitution cripple every reasonable attempt to implement an effective national policy to-

wards guns and crimes, and that was signed by attorneys general Nicholas Katzenbach, Ramsey Clark, Elliot Richardson, Edward Levy, Griffin Bell, and Benjamin Civiletti. I think it is important to outline the vast number of cases that have reached the same conclusion, and I submit for the RECORD a list of all of the court citations that established this point:

Court decisions supporting the "militia", rather than "individual rights" reading of the second amendment

U.S. SUPREME COURT

U.S. v. Miller, 307 U.S. 174 (1939)
Lewis v. United States, 445 U.S. 55 (1980)

U.S. COURTS OF APPEALS

U.S. v. Oakes, 564 F.2d 384 (10th Cir. 1977), cert. denied, 435 U.S. 926 (1978)
U.S. v. Swinton, 521 F.2d 1255 (10th Cir. 1975)
Hickman v. Block, No. 94-55836 (9th Cir. April 5, 1996)
U.S. v. Farrell, 69 F.3d 891 (8th Cir. 1995)
U.S. v. Hale, 978 F.2d 1016 (8th Cir. 1992)
U.S. v. Nelsen, 859 F.2d 1318 (8th Cir. 1988)
U.S. v. Cody, 460 F.2d 34 (8th Cir. 1972)
U.S. v. Decker, 446 F.2d 164 (8th Cir. 1971)
U.S. v. Synnes, 438 F.2d 764 (8th Cir. 1971), vacated on other grounds, 404 U.S. 1009 (1972)
Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982), cert. denied, 464 U.S. 863 (1983)
U.S. v. McCutcheon, 446 F.2d 133 (7th Cir. 1971)
U.S. v. Warin, 530 F.2d 103 (6th Cir.), cert. denied, 426 U.S. 948 (1976)
U.S. v. Day, 476 F.2d 562 (6th Cir. 1973)
Stevens v. U.S., 440 F.2d 144 (6th Cir. 1971)
U.S. v. Johnson, Jr., 441 F.2d 1134 (5th Cir. 1971)
Love v. Pepersack, 47 F.3d 120 (4th Cir.), cert. denied, 116 S.Ct. 64 (1995)
U.S. v. Johnson, 497 F.2d 548 (4th Cir. 1974)
U.S. v. Tot, 131 F.2d 261 (3rd Cir. 1942), rev'd on other grounds, 319 U.S. 463 (1943)
U.S. v. Toner, 728 F.2d 115 (2d Cir. 1984)
U.S. v. Friel, 1 F.3d 1231 (1st Cir. 1993)
U.S. v. Graves, 131 F.2d 916 (1st Cir. 1942), cert. denied, sub nom., Velazquez v. U.S., 319 U.S. 770 (1943)
Fraternal Order of Police v. United States, 173 F.3d 898 (D.C. Cir. 1999)
United States v. Wright, 117 F.3d 1265 (11th Cir. 1997)
Gillespie v. Indianapolis, 1999 WL 463577 (7th Cir. July 9, 1999)
United States v. Broussard, 80 F.3d 1025 (5th Cir. 1996)
United States v. Williams, 446 F.2d 486 (5th Cir. 1971)
United States v. Graves, 554 F.2d 65 (3d Cir. 1977)
Thomas v. City Council of Portland, 730 F.2d 41 (1st Cir. 1984)
National Ass'n of Gov't Employees, Inc. v. Barrett, 968 F. Supp. 1564 (N.D. Ga. 1997), aff'd, 155 F.3d 1276 (11th Cir. 1998)

U.S. FEDERAL DISTRICT COURTS

Hamilton v. Accu-Tek, 935 F. Supp. 1307 (E.D.N.Y. 1996)
In re Brown, 189 B.R. 653 (M.D. La. 1996)
In re Evans, 57 Cal. Rptr. 2d 314 (Cal. Ct. App. 1996)
National Ass'n of Gov't Employees, Inc. v. Barrett, 968 F. Supp. 1564 (N.D. Ga. 1997), U.S. v. Gross, 313 F. Supp. 1330. (S.D. Ind. 1970), aff'd on other grounds, 451 F.2d 1355 (7th Cir. 1971)
U.S. v. Kraase, 340 F. Supp. 147 (E.D. Wis. 1972)
Thompson v. Dereta, 549 F. Supp. 297 (D. Utah 1982)
Vietnamese Fishermen's Association v. KKK, 543 F. Supp. 198 (S.D. Tex. 1982)
U.S. v. Kozerski, 518 F. Supp. 1082 (D.N.H. 1981), cert. denied, 496 U.S. 842 (1984)

Moscovitz v. Brown, 850 F. Supp. 1185 (S.D.N.Y. 1994)

Mr. Speaker, I think we should be clear about what we are doing here today. The maker of the motion does not believe that we ought to have gun regulation, he does not believe we ought to have gun safety measures. He has a right to that opinion. He voted against the Brady bill. He voted to repeal the assault weapons ban. He voted to repeal the ban on the domestic production of large capacity clips. He and I do not agree on the issue of sensible gun safety regulation.

But I think we ought to be clear that his motion is to prevent gun safety regulations from being adopted by this House. The Second Amendment has nothing to do with it, and I would urge my colleagues to see through the kind of legal murkiness that is being put forth here today and to understand that this is really once again a disagreement between those who stand for sensible, moderate, reasonable gun safety regulation and those who believe we ought not have that.

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

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

The Second Amendment has everything to do with it; that is my point. The proponents of unconstitutional gun control want to avoid the Constitution because we do have a Second Amendment, and that cuts against them, so they want to talk about gun safety and how they have such reasonable, responsible proposals, proposals which have never worked, which have utterly failed.

Crime continues to get worse or has gotten worse until demographic trends kicked in in the early 1990's, having nothing to do with gun control, and yet we continue to see these relentless efforts by our left wing advanced to take away our precious fundamental rights.

□ 1100

So I believe it has everything to do with it. The issue is precisely joined here, and that is why I began with talking about the Second Amendment and with the statements of the author of the Second Amendment, and with contemporaries who wrote and voted on the Second Amendment back in the days when it was approved. I just think it is important, Mr. Speaker, that that be noted.

I also want to point out that the Supreme Court has never ruled that the Second Amendment is not an individual right. Interestingly enough, Justice Scalia has come out with a book recently where he says it is a personal right. Now, that is one member of the Court, I stipulate, but nevertheless it is a member of the Court.

Justice Thomas in the Printz case, which thankfully overturned the Brady law, it was a great decision, made this observation,

This court has not had recent occasion to consider the nature of the substantive rights

safeguarded by the Second Amendment. If, however, the Second Amendment is read to confer a personal right to keep and bear arms, a colorable argument exists that the Federal Government's regulatory scheme, at least as it pertains to the purely intrastate sale or possession of firearms, runs afoul of the amendment's protections.

So the fact of the matter is, it has been some 60 years since the Supreme Court has actually interpreted the Second Amendment. We may have a case heading there now, and we will finally get to hear what the justices think that it means.

I just want to emphasize, we have never had a U.S. Supreme Court decision where they have held that the Second Amendment is not an individual right, nor could they reasonably so hold, because it is so clearly in the history of statements of Madison, the other Founders, meant to be an individual right.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I rise in strong support of the Doolittle motion which simply reaffirms the importance of our Second Amendment right. Mr. Speaker, we take for granted the amount of lives that the Second Amendment right has saved, and I would like to take a moment and share with the House just a few experiences of actual people who in the last year have been able to protect their own lives and their property because of this very necessary and critical right.

In December of 1998, Kenneth Thornton of Memphis, Tennessee, protected himself from a personal assault at his business. In January of 1999, 62-year-old Perry Johns of Pensacola, Florida, was able to stop an assailant from taking him to the bank and forcing him to withdraw his money. In December of 1998, Jerry and Mary Lou Krause were able to ward off two intruders in their Toledo, Ohio, home, and in January of 1999, Gregory W. Webster of Omaha, Nebraska, was able to defend himself from three individuals wearing masks who fired shots at him in his own basement.

Now, in June of 1999, David Zamora was able to stave off an attempted highjack of his car at a fast foods drive-in at Phoenix, Arizona, and in June of 1999, 83-year-old poet Carlton Eddy Breitenstein of Rhode Island was able to defend himself from a repeated intruder.

Now, in June of 1999, Jack Barrett of Augusta, Georgia, was able to stop a prowler from invading his home who was dressed in black military clothing and brandishing a knife. In July of 1999, a former Marine was able to protect seven of his family members from five gun-toting thugs who descended on him and his family in their Tucson, Arizona, home.

In July of 1999, a Boulder, Colorado, woman was able to ward off and detain

her estranged husband who threatened to murder and burglarize her in her very own home.

Mr. Speaker, the stories go on and on, and, in fact, in 1997, the Clinton Justice Department study found that as many as 1.5 million people use a gun in self-defense every year.

Mr. Speaker, it is so important that we not learn to appreciate what we have by losing it. If we even slightly diminish our Second Amendment rights, millions of Americans will be left vulnerable to attack. Let us continue to uphold that very right, which has allowed law-abiding citizens to protect themselves from cold blooded criminals. I urge a yes vote for the Doolittle motion.

Ms. LOFGREN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding the time.

Mr. Speaker, I rise in opposition to the motion to instruct, first because there are no provisions in either the House or Senate version of H.R. 1501 which violate the Second Amendment to the Constitution, and second because the motion suggests an individual right to bear arms, which is, in fact, not found in the Constitution.

The argument offered by some and by the sponsor of the amendment is that the Second Amendment prohibits Congress from passing laws regulating individual gun laws.

The Second Amendment provides, quote, "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Mr. Speaker, the United States Supreme Court declared in 1939, in the case United States versus Miller, that the Second Amendment right to keep and bear arms applies only to the right of a State to maintain a militia and not to an individual's right to bear arms. More specifically, the Court stated that the obvious purpose of the Second Amendment was to assure the continuation and render possible the effectiveness of the State militia and that the amendment must be interpreted and implied with that end in view.

Following the Miller decision, numerous court decisions have consistently held that the Second Amendment guarantees a right to be armed only by persons using the arms in service to an organized State militia. The modern, well-regulated militia, is the National Guard, a State-organized militia force made up of ordinary citizens serving as part-time soldiers. Courts have consistently held that gun control laws affecting the private ownership, sale and use of firearms do not violate the Second Amendment because such laws do not adversely affect the arming of a well-regulated militia.

In fact, during the May 27, 1999, hearing on firearm legislation before the House Committee on the Judiciary's

Subcommittee on Crime, I personally asked the executive director of the National Rifle Association to cite any court decision which interpreted the Second Amendment as granting an individual right to bear arms, and he could not cite a single court decision.

The sponsor of the amendment likewise has offered his analysis but has been unable to cite a single Supreme Court decision which supports those views. Thus, the Second Amendment does not constitute a barrier to congressional regulation of firearms. Rather, the real challenge before us is to determine what Congress can do in the form of regulating firearms which will actually result in the reduction of gun violence.

Now, we do know that some modest provisions currently in existence have made a difference. 300,000 felons, fugitives and others prohibited from receiving firearms were prevented by the Brady law between 1993 and 1998 from making those purchases. Provisions passed in the Senate would bring about a significant reduction in the number of criminals acquiring guns.

Unfortunately, those good provisions in the Senate version of 1501 are coupled with counterproductive provisions affecting the system of juvenile justice in this country. Several of those provisions, such as jailing more children with adult criminals and kicking children with disabilities out of school without alternative educational services have been shown to be counterproductive.

On the other hand, the bill also contains bipartisan legislation reflecting proven initiatives which will, in fact, reduce juvenile crime. So, Mr. Speaker, we should focus on these reasonable gun safety provisions and proven juvenile justice provisions which will assist localities in substantially reducing the carnage of youth violence in this country and focus not on the counterproductive sound bites and flawed interpretations of the Constitution. I, therefore, ask my colleagues to oppose the motion.

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

Mr. Speaker, I would just observe how odd that the Constitution would give the individual the right to freedom of religion, the right to free speech, then give a right to the State about keeping and bearing arms and then go back to the right of the individual to be free from unreasonable searches and seizures. It just does not flow.

The fact of the matter is, the gentleman says there is no Supreme Court decision that supports my position. I have quoted the author of the Second Amendment and of the Constitution, James Madison, and of contemporaries who voted on the amendment themselves. Those are the ones the Supreme Court looks to when it renders its decision.

Are the Supreme Court decisions muddled on this issue? Yes. Have we

had a Supreme Court decision on the Second Amendment in the last 60 years before the gentleman and I were even in existence here on this Earth? We have not. So the fact of the matter is, we need the Supreme Court to speak out, but I did say what one member of the Court said, Justice Scalia.

I do want to just also point out with reference to the Brady law, this book contains the most comprehensive study of gun control laws ever done. It is entitled, *More Guns, Less Crime, Understanding Crime and Gun Control Laws*. It is by John R. Lott, Jr.

So with that background, I just want to cite this statement in rebuttal of what the gentleman said.

No statistically significant evidence has appeared that the Brady law has reduced crime and there is some statistically significant evidence that rates for rape and aggravated assault have actually risen by about 4 percent relative to what they would have been without the law.

So here are the facts and the statistics, but better than that we have the Constitution itself.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, when our forefathers came here a number of years ago and in 1776 wrote the Declaration of Independence, they broke with a tradition in essentially all of the countries they came from, mainly then from Europe and the British Isles. That tradition was a divine right of kings, that somehow people accepted the notion that the rights came from God to the king and the king would then give what rights he wished to his people.

In the Declaration of Independence, they made a radical departure from that because they said that we, we the people, are endowed by our Creator with certain unalienable rights and among these are the right to life, liberty and the pursuit of happiness.

Consistent with this notion that the rights belong to the people, and with their concern about the tyranny of the crown, the tyranny of the State, they wrote and it was ratified in 1791, 4 years after the ratification of the Constitution, the Second Amendment, part of the first 10 amendments which we know as the Bill of Rights, and there they continue this theme that has been mentioned a couple of times now by my good friend, the gentleman from California (Mr. DOOLITTLE), that they really were concerned that the people should have this right, the people.

Let me read the Second Amendment. My liberal friends rarely read the whole amendment. They read the second part of it: "a well-regulated militia being necessary to the security of a free State."

What does one think that means? What that means is that they were concerned that without a well-regulated militia, without the people having the right to keep and bear arms, that we could not be assured of all of

the freedoms guaranteed to us, given to us by God, and guaranteed to us by the Constitution.

Let me read again: "A well regulated militia, being necessary to the security of a free State, the right of the people," the right of the people, not the National Guard, not the Army, not the Navy, the right of the people, "to keep and bear arms shall not be infringed."

We meddle with this at the risk of losing all of those great guarantees of freedom, of rights that we have in the Constitution. I support wholeheartedly this privileged motion.

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

Mr. Speaker, I would just like to note that although reasonable people can differ, there are many cases that have held that the Second Amendment allows for reasonable regulation, and I have submitted to the RECORD two pages of the names of those cases which will be printed in the CONGRESSIONAL RECORD today.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

□ 1115

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

The eloquent statements that are referred to by James Madison, Richard Henry Lee, and others made 200 years ago were proper and a reflection of their great leadership at that time. But it was also a time when slavery was legal and we slaughtered Native Americans to take their land; when we resolved disputes by gunfights at the OK Corral or wherever. We were a pioneering Nation and, in fact, most families had guns. It was a small population. It was a population in danger. Our enemy was England at that time.

However over the last 200 years, we have progressed to become the greatest democracy in the history of western civilization. And yet, this issue is the one aspect of our society and our democracy which is the least civilized, which is the most embarrassing distinction of our country because every other civilized Nation in the world today has a handful of deaths by firearms. Whereas, the United States has more than 20,000 deaths by firearms, most of them innocent, accidental, or victims of the kind of carnage that we have witnessed this year and in so many subsequent years: teenagers getting their hands on lethal weapons.

There is a reason, and it is because of this perverse distortion of the meaning of the Constitution.

Let me just cite the words of Chief Justice Warren Burger, who was a gun collector. He loved guns. He had almost every major gun in his collection. He prized them. He was also a Republican appointee to the Supreme Court, became Chief Justice, served with great distinction. This is his public statement: "One of the greatest pieces of fraud," and he said, "I repeat the word 'fraud,' on the American people by special interest groups that I have ever

seen in my lifetime is this interpretation of the Second Amendment."

Our Federal courts have ruled that this did not give individuals the right to bear arms. The purpose of this language was clearly to enable people to bear arms to the extent that it contributed to a well-regulated militia that was essential at that period of our growing Nation.

We have statements that reflect this interpretation of the Constitution that explain why the NRA has never challenged a gun control law by taking it to the Federal courts. They try the Tenth Amendment, they try other ways; they know they would lose on the Second Amendment. Nicholas Katzenbach, Ramsey Clark, Elliot Richardson, Edward Levi, Griffin Bell, Benjamin Civiletti, all of our U.S. Attorneys General, they say, For more than 200 years, the Federal courts have determined that the Second Amendment concerns the arming of the people in service to an organized State militia; it does not guarantee access to guns for private purposes.

All we are trying to do is to reflect the intent of the American people in a democratic society. The vast majority of the people want reasonable gun control. They want their children to live safely in their streets and to be safe in their schools. That is why this amendment should be soundly rejected.

Mr. DOOLITTLE. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California (Mr. DOOLITTLE) has 11 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 17 minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I just wanted to make the point that there are, in fact, have been presented two interpretations of the Second Amendment to the Constitution. One, that there is an individual right; another is that the right is connected to the well-regulated militia.

I would point out and remind the Speaker that the gentlewoman from California has entered into the record a list of court cases, including Supreme Court cases in 1939 and 1980, and over 20 cases decided in the United States Court of Appeals that support the militia interpretation of the Second Amendment. We have not found a single court decision offered today or previously, just public statements and interpretations supporting the individual right to bear arms.

I think that the people can read the court cases for themselves. They will be listed in the CONGRESSIONAL RECORD. It is an important documentation of the militia interpretation of the second amendment.

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

In a way, I appreciate the debate this morning, because I think it is a more

direct division of where we are with the Members of the House, and the American people can really see what the dispute is about.

We have heard a lot of cases and quotes today, but former Supreme Court justice Warren E. Burger, a very conservative Chief Justice who served on the court from 1969 to 1986, had a quote that I think really does sum it up quite well, and I would like to mention that to my colleagues. He said, and I quote,

It is the simplest thing, a well-regulated militia. If the militia,

which is what we now call the National Guard essentially,

has to be well regulated, in heaven's name, why shouldn't we regulate 14, 15, 16-year-old kids having handguns or hoodlums having machine guns. I was raised on a farm, and we had guns around the house all the time. So I am not against guns, but the National Rifle Association has done one of the most amazing jobs of misrepresenting and misleading the public.

The issue here is whether or not we will take modest steps to make the children, and I would add, the adults of America a little bit safer from crazed individuals who want to harm them with weapons of destruction.

I think of the bills that we have put in place, and although they are not enough, they have done some good. The Brady law, which the author of the motion to instruct voted against, and the Federal assault weapons ban, which he also voted against, have proven to be successful and effective tools for keeping the wrong guns out of the wrong people's hands. In fact, violent crime has fallen for 6 straight years, thanks, in some part, to the strong gun laws that provide mandatory background checks and banned the most dangerous types of assault weapons and limited, to some extent, the accessibility to kids and criminals. The Brady law has proven that criminals do try to buy handguns in stores. The background checks nationwide stopped approximately 400,000 felons and other prohibited purchasers from buying handguns over the counter from federally-licensed firearm dealers.

Now, what does this mean? Thousands of murderers, spousal abusers, drug traffickers, fugitives from justice, people who were mentally unstable were unable to get a gun and go out and harm someone. That is important, and what we want to do here today, and the reason why we are continuing to discuss this issue is that we want to close the loopholes that exist in current law so that those same murderers, spousal abusers, mentally ill individuals cannot, when they are turned down for the gun at the licensed gun dealer merely go over to the flea market and buy that weapon. That is really what we are here about.

We are here because, without closing that loophole, real people are suffering real harm.

Now, I have heard a lot of discussion that we have problems in American so-

ciety. Clearly, we are not a trouble-free society. Clearly, regulation and sensible gun safety measures will not solve all of the problems of American society. We know that. But we also know that if those boys who were so distorted and filled with evil had walked into Columbine High School without arms, without guns, they would not have been able to kill as many children as they did. We know that if that middle-aged, hate-filled maniac who shot little 5-year-old children in the day care center in the Jewish community center in Los Angeles, if he had not had access to those weapons, he would not have been able to do the damage that he did.

So these are modest issues that we are trying to deal with. We are opposed by people who have, I believe distorted the law, but who, in fact, just oppose having regulations of any sort on guns. Now, they can have that opinion. They answer not to me, but to their own constituents. But I would like this House to give an answer to the mothers of America and say, we are going to put the gamesmanship behind us; we are going to focus on what matters to the mothers and fathers of America, which is to do something reasonable, modest, rational, that will make guns less prevalent in our society, that will make it harder for people who have no business having those weapons to have them, so that children like those little kids who were in the day care center will not have to face some crazed maniac with a gun, so that children like those in Columbine High School will not have to live in fear that they will suffer, be killed or be harmed by young people so disturbed and well armed. That is what this debate is about.

Mr. Speaker, I would urge my colleagues to search their heart and to understand that we ought to reject this motion. This motion really is about shall we have any gun control or gun safety legislation, or not. That is what this motion is about. I hope that this House will stand proudly and say, yes, we do think we can have some gun safety measures that make sense. We can yield that result to the American people.

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

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

Mr. Speaker, I find it unbelievable, that we are the ones who are accused of distorting the Second Amendment. The gentleman from Virginia submitted a list of cases which he claims supports his position. I will tell my colleagues, not one of those cases that he has submitted supports the proposition that the Second Amendment is not an individual right, because the U.S. Supreme Court has never so held.

I heard Justice Burger quoted. He is not a member of the Supreme Court anymore. But Justice Scalia is, and he just wrote it is an individual right. He is a well-known conservative on the

court, but let us take a well-known liberal, not on the court, but a legal scholar known to all, Laurence Tribe who, in his latest treatise, has just acknowledged that the Second Amendment is, surprise, a personal right. Is Laurence Tribe committing gross distortions?

I think, Mr. Speaker, that it is clear what Madison and the founders intended, and I have submitted a list of his statements and other statements of the Founders to be in the RECORD. It is very clear they believed it to be an individual right. The gentleman from Virginia (Mr. MORAN) got up here and said well, the Second Amendment is outdated. Well, in view of all of the violent crime we are seeing, we ought to have a little more of the Second Amendment, and we would reduce some of that crime.

□ 1130

But the fact of the matter is if the Second Amendment is outdated, then introduce a bill in Congress to repeal it and submit it to the States for ratification. That is the procedure we go through.

Alternatively, he can abandon or waive his Second Amendment rights, but do not waive mine and do not waive the rights of the people I represent and the people we collectively represent. Mr. Speaker, I would submit that it clearly is an individual right.

Reference to slavery was made. I cannot resist doing this. The Supreme Court, in the Dred Scott decision, rendered a lengthy opinion. In that opinion, the supporter argued that the States adopting the Constitution could not have meant to consider even free blacks as citizens, and outlined the rights which black Americans would have if given citizenship. And then in Dred Scott they outlined these rights that blacks would have if indeed they had been citizens at the time.

Guess what one of them was? I am quoting from Dred Scott: "And to keep and carry arms wherever they went." So that was Dred Scott. Now, we fought a Civil War over that. When the slaves were freed as a result of the Civil War, the southern States reenacted the slave codes, which made it illegal for blacks to exercise basic civil rights, including the right to purchase, own, and carry firearms.

So then the co-equal branch of Congress to the Supreme Court responded to this action of the States by passing the Freedmen's Bureau Act of 1866, which provided "the right . . . to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of each State or district without respect to race or color or previous condition of slavery."

That was what the Congress did in 1866 by passing that law. Obviously,

they believed that citizens had the right to keep and bear arms because they put it right there in the Federal statute.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Speaker, as I was listening to the debate in my office, I could not help but realize that there are times when students all across the United States tune in to C-Span, and not only students in school but individuals tune in to find out how their government operates, even to learn a little bit about constitutional issues, and how constitutionally the branches should operate, sometimes referred to as co-equal, discussions of separation of powers, and the like.

I find it intriguing that in many of these discussions and debates there are a great many people that rely on the opinion of the Supreme Court, somehow giving the inference to those who view and those who want to learn a little something about government when they view C-Span to believe that the Supreme Court guides the decision-making of the United States House of Representatives or United States Congress.

Mr. Speaker, this is a very intriguing doctrine. It is one that I know is stressed in many law schools. However, I am not an attorney, I am not a lawyer. I do not really know a lot about what Supreme Court Justices have said in the past about the Constitution. All I know is what the Constitution says.

We have to go back from time to time and actually read the Constitution, which the Framers made very simple so that an individual that was not a trained attorney could realize just what in fact the government was recognizing as rights, for example, in the Bill of Rights.

This is so prevalent in days gone by that Congress and the President have not felt the need or an obligation to give in to the wills and whims of whoever may be sitting on the Supreme Court, in that President Jackson, in his veto message regarding the creation of the Bank of United States on July 10, 1832, spoke directly about this issue of what Congress or the President should do with regard to the opinion or decision of the Supreme Court, when he said, "Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others," for example, the Supreme Court.

"The opinion of the judges has no more authority over the Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the executive."

Mr. Speaker, I could go on and on quoting from people who actually knew

what the Constitution says, and were not necessarily impressed by the opinions of another branch of the Federal Government.

What I want to say in conclusion is that the gentleman from California has offered a great deal to the debate on the Constitution itself, and specifically the Second Amendment. I believe his motion to instruct is reasonable, rational, and bottom line, constitutional. I thank him for doing it.

POINT OF ORDER

Ms. LOFGREN. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. MILLER). The gentlewoman will state the point of order.

Ms. LOFGREN. Mr. Speaker, I believe that unless one is a member of the committee, one does not have the right to close.

The SPEAKER pro tempore. The proponent of a motion to instruct has the right to close.

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

Mr. Speaker, I would like to comment very briefly on the comments just made regarding our constitutional system.

I think it is actually a frightening concept to, at this late date, as we enter the next century, question the role of the Supreme Court in our Constitution as the interpreter of the Constitution itself. That is well settled law.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, just for the record, I would like to state that I disagree with the Dred Scott decision. It has been overturned and is not good law at this time.

Second, I would like to point out that some citations made by the supporters of the motion that certain Supreme Court Justices have made certain statements in regard to their interpretation, no case for which those statements were in the majority has ever been cited.

Mr. Speaker, I would like to read part of the 1939 Miller case, so that it is clear what the Miller case said: "In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces, the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view."

That is the Miller case in 1939. Later, in 1980 in the Lewis case, we have this language from the case: "These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria nor do they trench upon any constitutionally protected

liberties. The Second Amendment guarantees no right to keep and bear a firearm that does not have some reasonable relationship to the preservation or efficiency of a well regulated militia."

Mr. Speaker, if we are going to state our opinion about what the constitutional law ought to be, we ought to acknowledge that the clear state of the law is that the Supreme Court and U.S. Court of Appeals decisions are clear that there is no individual right. It has to be connected with the militia.

If we wish the Supreme Court would change its mind, then we ought to say that. But the constitutional interpretation by the Supreme Court is clear that any right to bear arms must be reasonably related to the well regulated militia.

Ms. LOFGREN. Mr. Speaker, I yield 5½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me acknowledge my colleague, the gentlewoman from California (Ms. Lofgren), for continuing the fight on this issue, and as well, my colleague, the gentleman from California (Mr. Doolittle), for allowing us, I think, to have a very important debate on the Second Amendment.

The reason why I am delighted that he has brought this to the attention of the American people and to this body, and I would hope the Senate would have the equal opportunity to debate the Second Amendment, is that the Second Amendment has been used and abused by the opponents of what we would like to think is real gun safety reform, reasonable gun safety reform; gun safety reform in fact, Mr. Speaker, that has been supported by almost 80 percent of the American people, and I might add the large numbers of communities and parents tragically who have lost their children, their babies, in the midst of gunfire and the use of guns.

The reason why I think this debate is extremely important is because the Second Amendment has been used to create unnecessary hysteria among those in all of our communities. It has created hysteria in the African-American community. It has created hysteria in the rural and suburban communities. It has created hysteria among those groups that I believe have a right to express their view, but I disagree with, many of them militias, many of the people who feel the government is out to get them, and they must undermine the government and must keep themselves armed.

I disagree with that philosophy, I think it is not a reasonable perspective to take at this point in time in our history, but they have every right under the First Amendment to enjoy that position.

But as they enjoy that position, the fuel and fire is being lit, using that fear

and apprehension. They are then being stimulated with real misinformation that this Congress or those of us who propose reasonable gun regulation, gun safety, are opposed to or are eliminating the Second Amendment.

Let me first of all provide those who may be somewhat confused as to what it means to undermine a constitutional amendment. One, it can be done. Certainly there is some suggestion that statutes may in fact undermine particular constitutional amendments. But if that is the case, if a statute passed by this body is viewed to undermine a constitutional amendment, the petitioner has every right to go to the other body of government, the judiciary, and challenge that that law is unconstitutional.

Might I say, Mr. Speaker, that in many instances those petitioners have prevailed; that laws in this Congress, passed with good intentions and good minds and good hearts, have been ruled unconstitutional by our Supreme Court or by our Federal court system. I might say, some of that I agree with. Some I disagree. It means that the system of checks and balances does work in this particular Nation.

The motion to instruct offered by the gentleman from California is again fueling the fire of that hysteria. But might I educate the listening and viewing public, and maybe Members on both sides of this issue. My understanding is that if we were to eliminate the Second Amendment, as has been suggested, or we might do such damage to it, that is in actuality putting forth a constitutional amendment that takes away the Second Amendment. If this body did that, it would take a two-thirds vote of this House, a two-thirds vote of the Senate, and a three-fourths vote of the State legislatures.

My question to my colleague is, have any of us done that? Do we have a motion to instruct from any of us who are advocates of strong gun safety reform to eliminate the Second Amendment? I think not. The Second Amendment stands on its own two feet. But let me cite again for my colleagues the 1939 Miller case, which has been stated previously before.

It says, "In the absence of any evidence tending to show that the possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces, the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view."

What we are saying, or what I believe the Miller case is saying, the U.S. Supreme Court, 307 U.S. 174, 1939, is saying, we are reasonable people, here. We understand the intent of the Founding Fathers on retaining a well-organized

militia under the Second Amendment. It was to protect us, this fledgling Nation, against the invasion of outside forces.

We are not intending, with real gun safety regulation, to go into the homes of law-abiding citizens and take away the arms that they might have. We are not asking for that, Mr. Speaker. We are not asking to stop the sports activities.

Some of us may disagree with the overproliferation of guns. We have too many guns in this country. But all we are asking for is a reasonable background check. We are asking for the unlicensed dealers who willy-nilly sell guns illegally, by the ATF's own documentation, the Bureau of Alcohol, Tobacco, and Firearms, we are asking for the ban of ammunition clips, for child safety locks, for a ban on juvenile possession of semi-automatic assault weapons. We should reasonably ask that children be accompanied by adults when they go to gun shows. We are asking for juvenile Brady.

What we are really asking for is to ensure, for the mothers and fathers of those who have died, who have lost their children, that those children not die in vain.

□ 1145

How many more of our children's funerals can we go to? My community, Houston, Texas, the fourth largest city in the Nation and colleagues of mine in other inner cities have suffered year after year when no one was paying attention to gun violence, when our children were dying, when, yes, they were taking guns against each other; but also they were caught in the midst of adult violence and they lost their lives. No one was crying out. Now we are crying out together, Mr. Speaker.

I think the Second Amendment is an unfortunately bogus argument. I ask for my colleagues to vote against this instruction and that we get down to business in saving the children of America.

Mr. Speaker, today I rise in opposition to the Doolittle Motion Instruct. The Doolittle Motion to Instruct would do little other than upset 60 years of American Jurisprudence. The Doolittle Motion is yet another attempt by the Republican leadership to delay and distract Americans from the real issues facing this nation.

The NRA is trying to kill any gun safety legislation and the Republican leadership is the trigger man. This phony argument, long floated by the NRA, has been rejected by virtually every court and is merely an effort to distract from the reasonable and commonsense gun safety measures the Senate passed that would help keep guns out of the hands of dangerous criminals and protect children from gun violence: Requiring a criminal background check on every sale of a gun at a gun show; Banning the Importation of high capacity ammunition clips that have no other purpose than to kill lots of people very quickly; Requiring that a child safety lock be sold with every handgun; Banning the juvenile possession of semiautomatic assault weapons; and Juvenile Brady.

The NRA wants to kill gun safety legislation of any kind and has launched a massive lobbying campaign. Under the headline "NRA Achieves its Goal: Nothing," James Jay Baker, the chief Lobbyist for the NRA said: "Nothing is better than anything. *NRA Achieves its goal: Nothing," Washington Post, June 19, 1999, A01.

The Republican Leadership never wanted a gun safety bill—"The defeat of the gun safety bill in the House) is a great personal victory for me."—Tom Delay, House GOP Whip, "House Defeats Gun Control Bill," Washington Post, June 19, 1999, A01. Despite the GOP's accusations, it is the GOP that is using the gun safety issue for partisan political gain. DELAY's spokesman, Michael Scanlon said, by November 2000, "the gun debate this month will be long forgotten, with the exception of 2.8 million screaming mad gun owners who belong to the NRA. And I can tell you this, my friend: They will be lined up at the voting booth three days in advance to vote on this issue along, and they'll be pulling the Republican lever each time." "Strategy Change Seen in Battle Over Gun Control," Baltimore Sun, June 28, 1999, A1.

The Doolittle Motion would preclude adoption of any provision of the Senate bill because it is so poorly drafted. By its own terms, the Doolittle motion's instruction that the conferees reject any Senate-adopted provision which does not affirmatively "recognize" that the second amendment to the Constitution applies to the rights of individuals would preclude the conferees from adopting virtually any Senate provision, since every Senate provision is silent with respect to the second amendment.

The second amendment is a nonissue in this debate, virtually every court has held that reasonable restrictions on gun ownership. The substance of the motion doesn't hold up to logical scrutiny any better than its form. The bottom line is that, until April of 1999, every federal court which has examined the question—the Supreme Court, every Circuit Court of Appeal and every Federal District Court—has flatly rejected the utterly baseless claim that the second amendment has anything to do with an individual's rights as opposed to the collective rights of the people (with a capital *P*) to form a "well regulated militia."

In the 1939 Miller case, the Supreme Court said on the facts there that: "In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view." U.S. v. Miller, 307 U.S. 174 (1939).

Forty years later, the Court reaffirmed this principle in Lewis v. United States (445 U.S. 55 (1980)) even more explicitly:

These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria, nor do they trench upon any constitutionally protected liberties . . . the Second Amendment guarantees no right to keep and bear a firearm that does not have some reasonable relationship to the preservation or efficiency of a well regulated militia.

Since Miller was decided in 1939, only a single Federal District Court (last April) has interpreted the second amendment to confer an individual right and that interpretation was immediately rejected by both federal courts that have since addressed the issue. In United States v. Boyd, 52 F. Supp. 2d 1233 (D.Ct. Kan. 1999) Boyd challenged his indictment under 18 U.S.C. 922(g)(9) the domestic restraining provision Emerson challenged as violative of the Second and Tenth Amendments.

The court cited United States v. Oakes, 564 F. 2d 384, 387 (10th Cir. 1977) which held that "[t]o apply the [Second][A]mendment so as to guarantee appellants' right to keep an unregistered firearm which has not been shown to have any connection to the militia*, would be unjustifiable in terms of either logic or policy." The Tenth Circuit has relied on Oakes to summarily reject all subsequent Second Amendment challenges. Boyd's Second Amendment challenge failed.

Similarly, in United States v. Henson, 1999 U.S. Dist. LEXIS 8987, *3 (S.D. W. Vir., June 14, 1999) the Court held that:

"Defendant's reliance on Emerson is misplaced (in his attempt to overturn his indictment under the same federal statute prohibiting those under a domestic restraining order from possessing weapons). Our Court of Appeals has held consistently that the Second Amendment confers a collective, rather than an individual right to keep and bear arms."

Moreover, very recently in Gillespie v. City of Indianapolis Police Department, et al., 1999 U.S. App. LEXIS 15117, *42 (7th Cir. July 9, 1999) yet another Federal Court has found that:

"Whatever questions remain unanswered, Miller and its progeny do confirm that the Second Amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a state militia."

No one has gotten to the bottom line on the second amendment myth ruthlessly promoted by the gun lobby better than six of the nation's former Attorneys General in a joint and bipartisan letter to the Washington Post on October 3, 1992. They wrote:

"For more than 200 years, the federal courts have unanimously determined that the Second Amendment concerns only the arming of the people in service to an organized state militia; it does not guarantee immediate access to guns for private purposes. The national can no longer afford to let the gun lobby's distortion of the Constitution cripple every reasonable attempt to implement an effective national policy toward guns and crime." Nicholas deB. Katzenbach, Ramsey Clark, Elliot L. Richardson, Edward H. Levi, Griffen B. Bell, Benjamin R. Civiletti

It is precisely such distortion for precisely the purpose of thwarting an "effective national policy toward guns and crime" that is transparently at the core of the Doolittle Motion. Will we have the courage—once and for all—to turn our backs on an argument that Warren Burger, former Chief Justice of the Supreme Court, called "one of the greatest pieces of fraud, I repeat the word "fraud," on the American public by special interest groups that I have ever seen in my lifetime." [Appearing on McNeil/Lehrer News Hour]

But the best proof of the bankruptcy of the "individual rights" claim comes from the NRA and the rest of the gun lobby itself. How many

times do my colleagues think that the second amendment has served as the basis of an appeal by the NRA or anyone else trying to invalidate a gun control statute? Exactly NEVER; not once. Not when the Brady Law was challenged by sheriffs. Not when the NRA sued to block the assault weapons ban. NEVER. It isn't even mentioned. They cite the 10th Amendment, other amendments; NEVER the second. Why? Because they know themselves that no court in the nation (now save one likely to be reversed on appeal) will tolerate such nonsense.

For the Framers. For our children. Reject the Doolittle Motion and its gun lobby authors.

Ms. LOFGREN. Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentlewoman from California (Ms. LOFGREN) has 1½ minutes remaining. The gentleman from California (Mr. DOOLITTLE) has 4½ minutes. The gentleman from California has the right to close.

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

Mr. Speaker, I think we can make this very simple for the Members today. This motion basically asserts, and the debate has emphasized, that the Second Amendment prohibits the ability of Congress to regulate in any manner guns or weaponry. I think that is clearly not what the Second Amendment does.

What we are really wanting it do here is to come up with some modest, reasonable, sensible gun safety measures. Why? Because children all across America are at risk from evildoers who are armed at the teeth; and children, in fact up to 13 children a day, are losing their lives to arms and to weaponry.

We are not talking about the duck hunter. Duck season, duck hunting season will go on again this year, and that is absolutely fine. The Brady bill and its extension to juveniles is intended to keep guns out of the hands of criminals, not the duck hunters, but of criminals.

We are trying to close a loophole that has allowed criminals and people who are mentally unstable to get guns from flea markets and the like because the Brady law has prevented them from getting their hands on those weapons at licensed gun dealers. That is really all this is about. I believe that the American people strongly want us to do that very simple thing. Why? Because they know it is in their best interest.

So I would urge my colleagues to oppose this very ill-founded motion.

Mr. DOOLITTLE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, what is great about this issue is we can quote liberals and make our point. I quoted Lawrence Tribe who says it is a personal right. I am going to quote the icon of liberal journalism throughout the country, the Washington Post. Sunday, September 19, 1999, the headline, and this is in the front page of the paper by the way, "Gun controls limited aim bills. Would not have stopped recent killings".

For weeks we have heard people come up here on the other side and orate about the terrible killings that have occurred, and, yes, they are terrible. What is also terrible is that they have represented that the bills, the legislation that they are trying to pass would have prevented them.

What this article goes on to say, if I may quote, "None of the gun control legislation under discussion in Congress would have prevented the purchase of weapons by shooters in a recent spate of firearms violence, including last week's massacre at a Texas church, gun control supporters and opponents agree."

The fact of the matter is I find the left's approach on gun control is just like it is on the so-called campaign finance reform. The assault on the Second Amendment is just like the assault on the First Amendment. These things do not work. They are undesirable. They are unconstitutional. But they do not give up. The more violence we hear about, the more shootings we have, the more bad legislation that comes forward promising to do something when, in fact, what they have already given us has utterly failed. For that reason, Mr. Speaker, we need to take a new approach.

Here is an interesting quote by the way, just to see what the other half of society thinks about all of this, the criminal half. This is a quote from Sammy "The Bull" Gravano, former Mafia member. Check this one out:

Gun control, it's the best thing you can do for crooks and gangsters. I want you, the law-abiding citizen, to have nothing. If I am the bad guy, I am always going to have a gun. Safety locks? You will pull the trigger with a lock on, and I will pull the trigger without the safety lock. We will see who wins.

This is tragic that we continue to push this disastrous legislation which strips us of our constitutional right and, further more, which does not even work, which disarms the very communities that need protection.

I told my colleagues about this book, *More Guns, Less Crime*, by John R. Lott, Jr., the most exhaustive authoritative statistical analysis of gun control laws in the United States.

Let me just quickly cite some points that he makes in his conclusions in this book, because I think it illustrates what we are really up against.

Point number one, "Preventing law-abiding citizens from carrying handguns does not end violence; it merely makes victims more vulnerable to attack." So now we have the professor saying this, agreeing with the former Mafia member, and, by the way, agreeing with what we all know is perfect common sense.

Number two, "My estimates indicate that waiting periods and background checks appear to produce little if any crime deterrence."

Most exhaustive study ever done.

Point number three, "The evidence also indicates that the states with the

most guns have the lowest crime rates. Urban areas may experience the most violent crime, but they also have the smallest number of guns."

Point number four, "Allowing citizens without criminal records or histories of significant mental illness to carry concealed handguns deters violent crimes and appears to produce an extremely small and statistically insignificant change in accidental deaths. If the rest of the country had adopted right-to-carry concealed-handgun provisions in 1992, about 1,500 murders and 4,000 rapes would have been avoided."

This approach works. Our constitutional approach works. Our constitutional approach is still the law. Because the other side cannot manage to change the law, it does not give them the right to do an end run and try and pass a bill through Congress which strips us of our sacred constitutional rights.

I ask my colleagues to vote for my motion.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for the motion to instruct conferees offered by the gentleman from California (Mr. DOOLITTLE) because, like him, I want the conferees on the Juvenile Justice legislation to omit any provisions that would be contrary to the Constitution. However, I do not think that the Constitution prohibits carefully-drawn, measured provisions dealing with access to firearms by minors and criminals or with firearm safety. In particular, I agree with the gentlewoman from California (Ms. LOFGREN) that there is no constitutional impediment to the kind of provisions specified in her motion to instruct, which is why I also will vote for that motion.

The SPEAKER pro tempore. All time has expired.

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 California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. 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, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed that the committee on the con-

ference recommend a conference substitute that includes provisions within the scope of conference which are consistent with the Second Amendment to the United States Constitution (e.g., (1) requiring unlicensed dealers at gun shows to conduct background checks; (2) banning the juvenile possession of assault weapons; (3) requiring that child safety locks be sold with every handgun; and (4) Juvenile Brady).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. MCCOLLUM) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

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

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

Ms. LOFGREN. Mr. Speaker, every year, an estimated 2,000 to 5,000 gun shows take place across the Nation in convention centers, school gyms, fairgrounds, and other facilities paid for and maintained often with taxpayer money. These arms bazaars provide a haven for criminals and illegal gun dealers who want to skirt Federal gun laws and buy and sell guns on a cash-and-carry, no-questions-asked basis.

The Brady law background check applies to licensed gun dealers only. The same is true of most State firearm background checks. At gun shows, it is perfectly legal in most States and under Federal law for individuals to sell guns from their private collections without a waiting period or background check on the purchaser. However, licensed Federal firearm dealers operating at these same shows must comply with background checks and waiting periods.

Many unscrupulous gun dealers exploit this loophole to operate full-fledged businesses without following Federal gun laws. Since so many sales that occur at gun shows are essentially unregulated, guns obtained at these shows that are later used in crime are difficult, if not impossible, to trace.

When the United States Senate debated juvenile justice legislation in June of this year, an amendment proposed by Senator FRANK LAUTENBERG to require that background checks be done on all purchases made at gun shows was passed and included in the legislation. However, when this House debated its version of the juvenile justice legislation, no such amendment was included.

It is not clear what the outcome will be in the conference committee, but we believe it is important, and I believe, to instruct the conferees to include this crucial loophole closure on the Brady bill.

The Brady bill has made our country safer. It has proven that criminals do try to buy handguns at many shows and has stopped over 400,000 criminals and other prohibited persons from obtaining weapons in the licensed gun offices.

The second provision in the motion to instruct is the banning of juvenile possession of assault weapons. The assault weapons ban has been effective, but it could be even more effective.

In 1989, when President Bush stopped the importation of certain assault rifles, the number of imported assault rifles traced to crime dropped by 45 percent in 1 year. After the 1994 ban, there were 18 percent fewer assault weapons traced to crime in the first 8 months of 1995 than were traced in the same period in 1994. The wholesale price of grandfathered assault rifles nearly tripled in the post-ban year.

Assault weapons are terrific weapons if one wants to do a lot of damage to innocent people in a hurry. I remember so well the shooting in the school yard in Stockton, California, in 1989 when a maniac with an AK-47 that held 75 bullets killed five little children on the school ground and wounded 29 others.

In San Francisco, California, just about 40 miles to the north of my home in San Jose, a disturbed person with a TEC-9 holding 50 rounds went into a San Francisco law firm and killed eight people and wounded six others with these assault weapons; to kill four ATF special agents and wound 16 others at the Texas incident.

Although assault weapons comprise only 1 percent of privately owned guns in America, they accounted for 8.4 percent of all guns traced to crime in 1988 and 1991.

Now, although juveniles 18 and younger are prohibited by Federal law from purchasing handguns, neither the Federal Government nor most States restrict the purchase and ownership of these guns. This loophole allows teenagers with rifles and shotguns. It also allows them to possess semi-automatic AK-47s, AR-15s, and other assault rifles manufactured before 1994 and grandfathered under the 1994 assault weapon ban.

□ 1200

No kid should be allowed to buy or possess an assault weapon. And the gun lobby and the NRA, who has opposed the assault weapon ban and attempted to get the assault weapon ban repealed in an earlier Congress, has actually in some cases said that maybe it would be okay to keep assault weapons out of the hands of teenagers. So I would hope that that small concession might allow us to move ahead on this provision.

Section 3 of the motion would require that child safety locks be sold with every handgun. Every day in America, 13 children under the age of 19 are killed with firearms. Some of those are the result of violent assault, but some of them are easily preventable. They are accidents or suicides. And one of the best ways to prevent and keep children from gaining access to a gun at home is to make sure that it is locked.

Public opinion surveys indicate that, really, the public does not understand why we would not do this simple thing. It has nothing to do with duck hunting,

it just would keep children safer throughout our country.

And, finally, the background check that is applied under current law to adult criminals should be applied equally to juveniles who have committed a criminal offense. I think that just makes good common sense.

So I am hopeful that we can support this motion to instruct. It is completely modest. It is consistent with what the Senate was able to achieve. It would give an increased measure of safety to the children of this country. And I believe that it is the least we can do for the mothers and fathers of America.

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

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Florida (Mr. MCCOLLUM) is recognized for 30 minutes.

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

Mr. Speaker, as a conferee on this bill, and the original sponsor of the underlying bill, I claim the time in opposition, but I do not oppose the actual measure here. I support the gentlewoman's motion. It states several provisions that I agree with and that I believe that the majority of the Members of the House agree with.

I believe most of us agree today that there ought to be a background check before somebody can buy a gun at a gun show. And most of us agree today that juveniles should not possess assault weapons, except in the narrowest of circumstances under direct parental supervision. And most of us believe, without much convincing, that it is a good idea to require gun dealers to give customers who buy a gun a gun safety lock, which they can decide whether to use or not. In fact, this idea is so good that 90 percent of gun dealers already do this without the government telling them to do so. And I believe most of us today support the concept of a juvenile Brady law, in other words, a law that will prevent people who commit serious violent acts as juveniles from owning a gun, even after they reach the age of 18.

And so, as written, this motion is not objectionable. But while I will support the motion, I must also say I fear it is so general that some Members may get the wrong impression. This motion may lead other Members to think that these provisions are still in dispute. In fact, most of us working to achieve a compromise between the two bodies on this issue have already agreed to include these provisions. The real problem that remains is that Members on the gentlewoman's side of the aisle will not seem to accept any language other than that which passed in the other body.

The provision they insist on, the so-called Lautenberg provision, would do the following: It would require anyone visiting a gun show, who merely discusses selling a gun, to sign a ledger and provide identifying information

even if they do not bring a gun to the gun show to sell.

It would make gun show promoters liable if a person who is not a vendor at the show sells somebody else a gun without first doing a background check.

It would require persons who merely discuss selling a gun during the gun show, but who do not sell the gun for weeks after the show, to nevertheless have a background check performed. Even current law does not require background checks for gun sales by private citizens.

It would require licensed dealers to perform all of the background checks at the gun show, even for purchasers who do not intend to buy a gun from that dealer.

And it could turn estate sales, yard sales, even casual gatherings of friends who collect or trade guns into a gun show by definition, with all of the regulatory requirements and attendant liability for failing to follow these regulations.

In short, the Lautenberg provision goes far beyond simply requiring background checks to be done for the sale of a gun at a gun show. And so I say to the gentlewoman, if she means what she says in her motion, that she wants background checks at gun shows, then I am confident we can produce a bill that will pass and do exactly that. But if what she means is to insist on the language from the other body, then she is seeking to regulate in a manner that goes far beyond what is stated in her motion.

So I support the motion. But I caution Members that this issue is not as simple as this motion might make it seem to look on first appearance. And I urge the gentlewoman and the Members of the other side of the aisle to work with us on a provision that will do what she seeks to instruct today but which does not bring with it all of the other regulatory requirements of the Lautenberg amendment in the other body's bill.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentlewoman from California, because I would just like to comment that I would love to work on this supposed compromise.

I know that the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and the gentleman from Illinois (Mr. HYDE) have had some discussions. I am a conferee. I am a member of the conference committee. And the only time I have ever had an opportunity to discuss this was on August 3. And we did not have an opportunity to discuss it then. We gave speeches to each other and we left town, and there has been no communication. We have asked for these proposed compromises. I would like to see the language. I would like to come up with good, strong legislation. I am willing to work through this

so long as it actually achieves something.

However, what it has to achieve is a background check that will catch individuals who have restraining orders against them. It cannot define a gun show in a way that would exempt events where thousands of guns are sold. I would hope and absolutely insist that it would not repeal or reopen the question of the Lee Harvey Oswald law that prevents the interstate mailing or shipment of firearms. Those would not be an advance. That would not be an improvement under current law.

So I am eager to look at this supposed compromise. And if it is, as the gentleman says, an improvement on gun safety laws, I will be eager to support it. I cannot really understand why the members of the conference committee have not yet been afforded the opportunity to see this great proposal that is supposedly a compromise.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of the motion to instruct of my colleague, the gentlewoman from California (Ms. LOFGREN), as she has described it. I value the views of my colleagues who are speaking today of protecting our fundamental rights. America's children also have rights. They have the right to be safe from gun violence.

As a school nurse, I feel so strongly that we must keep guns out of our schools and away from our children. These feelings are not unique to Congress. Just last week, the Mayor of Santa Barbara came to Washington, D.C., along with mayors and police chiefs from around this country. Speaking for thousands of people in my hometown, our mayor called for passage of common-sense gun safety legislation.

Mr. Speaker, Americans around the country are shocked by the shootings that are plaguing this Nation, and they are stunned by the inaction and delay of this Congress. With this vote we must take a stand against gun violence and we must do it today.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I would say to my colleagues on this side of the aisle, as we debate these motions to instruct the conferees on the juvenile justice bill, that I would like to just share with them some recent information on the decline of Federal firearm prosecution. I do not ever hear the other side talk about this, and I think this should be something that we should all be concerned about.

Federal firearms prosecutions have dropped by 44 percent since 1992. And we know all too well it is not because criminals have started to obey the law, it is because our government does not

enforce the law. We can sit here this afternoon and pass all kinds of gun laws, but if we are not going to prosecute, it does not matter.

The Brady Act prevented 400,000 illegal firearm purchases. Let us take for a moment that those statistics are correct. Two-thirds were attempted by prior felons. Let me repeat that. Two-thirds were attempted by prior felons. But there is barely a prosecution of these 400,000 illegal firearms.

So what I am saying this afternoon is that if we place our entire focus on gun control, which this side of the aisle continues to do, we miss the larger picture of this rampant violence. What is causing the depravity of our young people today? What makes one person's bad day turn into an act of taking another person's life?

Until we focus on the underlying cause of these horrific acts, no Band-Aid gun control laws will prevent another occurrence. And, more importantly, whatever gun laws are on the books, we need the Justice Department to prosecute and not just sit there and talk about more gun control.

So what we need to do is to instruct the Justice Department today to prosecute the laws that already exist on our books.

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

It occurs to me that some of the arguments being made about gun control are sort of like when we cook spaghetti at home. When we try to see if it is ready, or one of the techniques, is we can throw it at the wall to see if it sticks. And if it sticks, it is done. We have had now this morning three different things: The Second Amendment does not allow us to do any regulation of weapons. Or, well, we should not do anything about regulating weapons because we are not happy with enforcement. It should be better. Or, we should not have any regulation of assault weapons or other things because the laws do not work. And I think each one of those points is off base and will not stick to the wall.

First, we had a great discussion about the Second Amendment earlier. I will not go on at too great a length about that, but I would note that, clearly, we have the ability to do sensible regulation in this arena.

On the issue of enforcement, I have heard a lot of comments made about this. And, of course, there are darn lies and statistics, and so we all are a victim of that phenomena, but I do want to just lay out some facts.

Since 1992, the total number of Federal and State prosecutions has actually increased. About 25 percent more criminals are sent to prison for State and Federal weapon offenses than in 1992. And the numbers are 20,681 in 1992 to 25,186 currently. The number of high-level offenders, those sentenced to 5 or more years, has gone up nearly 30 percent. That is 1,409 to 1,345 in 5 years. The number of inmates in Federal prison on firearm or arson charges, the two

are counted together, increased 51 percent from 1993 to 1998 to a total of 8,979. In 1998, the Bureau of Alcohol, Tobacco and Firearms brought 3,619 criminal cases involving 5,620 defendants to justice.

Now, on the issue of it would not make a difference, and none of the tragedies that have occurred would have been prevented had these gun safety measures been adopted, that is just not correct. Michael Fortier, the friend of Timothy McVeigh and Terry Nichols, helped both fence stolen guns at a Midwest gun show. If he had not been able to do that, we might have had a different outcome. We have had the serial murderer in Ohio, Thomas Dillon, who bought his murder weapon at an Ohio gun show so that he would not be detected at a licensed dealer. Gian Ferri, who did the massacre in San Francisco at the law firm, used a pistol, an assault weapon, that he bought at a Nevada gun show. If he had had a background check, that might not have occurred either.

So these many arguments are a little bit of protest here over what most of America knows should occur and would help make our country a safer place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for once again sparking this important debate on the House floor.

□ 1215

Another day has passed and another 13 of our children have been lost to gun violence. But still the majority stalls and stonewalls, ignoring the cries of parents, of siblings, and of friends who continue to lose their loved ones.

Another day has passed. And while we debate gun safety in this room, on the streets of our cities and town, felons with guns threaten American families. While we debate, our constituents are left to fight the daily battle against gun violence alone. Another day has passed, and still handguns in homes where children play remain unsecured, criminals build collections at gun shows, and the numbers of victims mounts.

Passing comprehensive gun safety legislation does not limit the rights of people. The Constitution, the cornerstone of the philosophy of this Nation, is not compromised by protecting children and families from deadly weapons. Freedoms and responsibilities go hand in hand, and it is reasonable to require citizens to exercise their freedoms safely and responsibly.

Ensuring the safety of our schools, streets, and places of worship enables people to enjoy the inalienable right to which they are entitled under the Constitution.

We have simple goals: ensure that unlocked guns do not get into children's hands; ensure that juveniles are prohibited from possessing assault

weapons; ensure that all people buying a gun, in any venue, are subject to the same thorough background checks. This is what the American people are asking for, and we have an obligation to respond.

With each passing day, the price of our inaction rises, the human toll of our procrastination increases, the loved ones of victims of gun violence plead with Congress to lead the charge to make our communities safe again. Each day that we turn our backs on the American people, we undermine the freedoms and rights that make the United States a safe and stable place to live.

I urge my colleagues in Congress to join me in showing the American people that their cries have not gone unanswered. Let us not delay one more day in passing comprehensive gun safety legislation. Again, I support the motion of my good colleague.

Ms. LOFGREN. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has 24½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we come to the floor again to talk about the Republican leadership's failure to enact common sense gun safety measures for one simple reason, children's lives are at stake. We remember the tragedy at Columbine High School, where at the end of the day, 14 students and one teacher were dead because of guns. Columbine captured headlines 5 months ago, but it should not obscure the fact that 13 children die every day due to gunfire.

Many of the 13 children that die each day do so because handguns are not properly secured. This is not a question of whether or not someone should or can own a handgun. They can. This is about properly securing the handgun.

The motion of my colleague from California (Ms. LOFGREN) appropriately calls for child safety locks to be provided with handguns. It is a common sense measure that will stop the heart-wrenching deaths where young children find a gun in the house and they accidentally kill themselves or a friend or a brother or a sister. Providing a lock with a handgun is common sense.

I think that Westbrook, Connecticut's Police Union President Douglas Senn, put it well when he said, "You keep plugs in outlets and medicine up in high cabinets to keep children safe. Why not put a lock on a gun?" He said this during a program to provide free gun locks to Connecticut gun owners.

The Connecticut Police Union and, I might add, in conjunction with a company in Connecticut that, in fact, is a gun company, but they were cooperating in this effort in order to provide free safety locks so that our youngsters can be safe.

The Connecticut Police Union president gets it. The company gets it when it comes to gun locks. What we are asking is that the Republican leadership get this.

If there was any question about the effectiveness of child safety locks for guns, that should be answered by a potential tragedy in Florida, a tragedy that was in fact averted because of a gun lock. An obviously troubled young 14-year-old girl planned to kill first her mother and then her father and her sister, too. She was a troubled youngster. She held a gun to her mother's head but could not fire the gun because of the trigger lock.

We must and we can do something about keeping guns out of the hands of children and of criminals. We do not want to prevent law-abiding citizens from their opportunity to own a gun and to do what is right. We want to provide a safety lock to make sure that our kids are safe.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will just make one comment. I commend the gentlewoman for recognizing the Second Amendment rights in her motion.

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

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

Mr. Speaker, I hope that this body will approve this motion. But when we convene for the votes that have been postponed, we will have several motions that we will be asked to cast a vote upon.

First, of course, there is the parks measure that is not the heart of the gun safety discussion we have had this morning. Then there will be a vote on the motion to instruct offered by my colleague, the gentlewoman from New York (Mrs. MCCARTHY), that basically says this, conferees, get to work, produce something, work every day until you come up with common sense, reasonable gun safety measures.

We have a motion to instruct offered by my colleague from California (Mr. DOOLITTLE) that distorts, I believe, the meaning of the Second Amendment and, as the Members who listened to the debate well understand, really asserts that we have no ability to do any regulation of guns at all because of the Second Amendment. That is clearly not what the Supreme Court has found. It is not the law in America. And it is also not what the American people want.

Finally, we will have a vote on this motion to instruct that says let us ask and instruct the conferees to adopt meaningful reasonable gun safety measures that are consistent with the Second Amendment.

Now, we have been here several days now engaged in these motions to instruct; and I am mindful that, instead of being here talking about these issues, instructing conferees through votes, we could have been meeting as

conferees. I hope that we will finally have a meeting.

On August 3, when we had our first and only meeting of the conference committee when we gave the speeches to each other, the hope was that the staff, at least we were told by the chairman of the conference committee, that it was necessary for the staff to get together over the August recess and the hope was that we would have something we could get behind as schools started.

Now, I have two teenagers. They are both in high school. School started quite some time ago. As a matter of fact, they are starting to get a little nervous about midterms coming up. And we have not produced a darn thing.

Now, I hear about these compromises and how difficult it is, and I am sure it is not the easiest thing to find that sensible middle ground that really is the genius of the American political system, to find this sensible reasonable measure that we can send to the President that will make the American people safe. But we are not going to find that sensible middle ground if we never talk to each other.

Now, I am mindful that the chairman of the committee and the ranking Democrat on the committee are having discussions, and I commend them for that; but we have not seen the product of their discussions. And I really do believe that, while I am sure their discussions are undertaken in good faith, that if we were to shine the light of public view on what is being done, we would get to a conclusion a little bit faster.

Because some of the things that were said in this chamber today about the inability to do anything to regulate assault weapons, to keep criminals from getting guns is preposterous, it is preposterous, and the American people will have none of it.

So let us have that discussion in open session. Let us have the conference committee meeting. Let us come up with a measure. None of us can be in love with our own words. We need to be flexible and reasonable. But the bottom line is we need a measure that closes the loophole that does not purport to do so and not actually achieve that goal. If we can come together on that, we will end up with a bill that we can send to the President and sign into law. I hope that we can. But we are not going to do so if all next week we have to once again have motions to instruct instead of meetings of the conference committee.

I know that we will be in recess to go home to our districts for the weekend, coming back on Monday. I hope that Members can listen closely to what mothers are telling them in the supermarkets when they are home this weekend. Do the right thing, vote "yes" on the McCarthy motion to instruct. Oppose the Doolittle flawed motion and please vote "yes" on this motion to instruct.

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

The SPEAKER pro tempore. 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 gentlewoman from California (Ms. LOFGREN).

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

Mr. CANADY of Florida. 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, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

Passage of H.R. 1487, de novo; the motion to instruct of H.R. 1501 offered by the gentlewoman from New York (Mrs. MCCARTHY), by the yeas and nays; the motion to instruct on H.R. 1501 offered by the gentleman from California (Mr. DOOLITTLE) by the yeas and nays; and the motion to instruct on H.R. 1501 offered by the gentlewoman from California (Ms. LOFGREN) by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 1487, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays were ordered.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 23, as follows:

[Roll No. 444]

YEAS—408

Abercrombie	Doggett	Kildee
Ackerman	Dooley	Kilpatrick
Aderholt	Doolittle	Kind (WI)
Allen	Doyle	King (NY)
Andrews	Dreier	Kingston
Archer	Duncan	Klecza
Army	Dunn	Klink
Bachus	Edwards	Knollenberg
Baird	Ehlers	Kolbe
Baldacci	Ehrlich	Kucinich
Baldwin	Emerson	Kuykendall
Ballenger	Engel	LaFalce
Barcia	English	LaHood
Barr	Eshoo	Lampson
Barrett (NE)	Etheridge	Lantos
Barrett (WI)	Evans	Larson
Bartlett	Everett	Latham
Barton	Ewing	LaTourette
Bass	Farr	Lazio
Bateman	Fattah	Leach
Becerra	Filner	Lee
Bentsen	Fletcher	Levin
Bereuter	Foley	Lewis (CA)
Berkley	Forbes	Lewis (GA)
Berman	Ford	Lewis (KY)
Berry	Fossella	Linder
Biggart	Fowler	Lipinski
Bilbray	Frank (MA)	LoBiondo
Bilirakis	Franks (NJ)	Lofgren
Bishop	Frelinghuysen	Lowey
Blagojevich	Ganske	Lucas (KY)
Bliley	Gejdenson	Lucas (OK)
Blumenauer	Gekas	Luther
Blunt	Gephardt	Maloney (CT)
Boehkert	Gibbons	Maloney (NY)
Boehner	Gilchrest	Manzullo
Bonilla	Gillmor	Markey
Bonior	Gilman	Martinez
Bono	Gonzalez	Mascara
Borski	Goode	Matsui
Boswell	Goodlatte	McCarthy (MO)
Boucher	Goodling	McCarthy (NY)
Boyd	Gordon	McCollum
Brady (PA)	Goss	McCrery
Brady (TX)	Graham	McDermott
Brown (FL)	Granger	McGovern
Brown (OH)	Green (TX)	McHugh
Bryant	Green (WI)	McInnis
Buyer	Greenwood	McIntosh
Callahan	Gutierrez	McIntyre
Camp	Gutknecht	McKeon
Campbell	Hall (OH)	McKinney
Canady	Hall (TX)	McNulty
Cannon	Hansen	Meehan
Capps	Hastings (FL)	Meek (FL)
Capuano	Hastings (WA)	Meeks (NY)
Cardin	Hayes	Menendez
Castle	Hayworth	Metcalf
Chabot	Hefley	Mica
Chambliss	Herger	Millender-
Chenoweth	Hill (IN)	McDonald
Clay	Hill (MT)	Miller (FL)
Clement	Hilleary	Miller, Gary
Clyburn	Hilliard	Minge
Coburn	Hinche	Mink
Collins	Hinojosa	Moore
Combest	Hobson	Moran (KS)
Condit	Hoeffel	Moran (VA)
Conyers	Hoekstra	Morella
Cook	Holt	Murtha
Cooksey	Hooley	Myrick
Costello	Horn	Napolitano
Cox	Hostettler	Neal
Coyne	Houghton	Nethercutt
Cramer	Hoyer	Ney
Crane	Hulshof	Northup
Crowley	Hunter	Norwood
Cubin	Hutchinson	Nussle
Cummings	Hyde	Oberstar
Danner	Inslee	Obey
Davis (FL)	Isakson	Olver
Davis (IL)	Istook	Ortiz
Davis (VA)	Jackson (IL)	Ose
Deal	Jackson-Lee	Owens
DeFazio	(TX)	Oxley
DeGette	Jenkins	Packard
DeLahunt	John	Pallone
DeLauro	Johnson (CT)	Pascrell
DeLay	Johnson, E. B.	Pastor
DeMint	Johnson, Sam	Paul
Deutsch	Jones (NC)	Payne
Diaz-Balart	Kanjorski	Pease
Dickey	Kaptur	Pelosi
Dicks	Kasich	Peterson (MN)
Dingell	Kelly	Peterson (PA)
Dixon	Kennedy	Petri

Phelps	Schakowsky	Thompson (CA)
Pickering	Scott	Thompson (MS)
Pickett	Sensenbrenner	Thornberry
Pitts	Serrano	Thune
Pombo	Sessions	Thurman
Pomeroy	Shaw	Tiahrt
Porter	Shays	Tierney
Portman	Sherman	Toomey
Price (NC)	Sherwood	Towns
Quinn	Shimkus	Trafficant
Radanovich	Shows	Turner
Rahall	Shuster	Udall (CO)
Ramstad	Simpson	Udall (NM)
Rangel	Sisisky	Upton
Regula	Skeen	Velazquez
Reyes	Skelton	Vento
Reynolds	Slaughter	Visclosky
Riley	Smith (MI)	Vitter
Rivers	Smith (NJ)	Walden
Rodriguez	Smith (TX)	Walsh
Roemer	Snyder	Wamp
Rogan	Souder	Waters
Rogers	Spence	Watkins
Rohrabacher	Spratt	Watt (NC)
Ros-Lehtinen	Stabenow	Watts (OK)
Rothman	Stark	Waxman
Roukema	Stearns	Weiner
Roybal-Allard	Stenholm	Weldon (FL)
Royce	Strickland	Weldon (PA)
Rush	Stump	Weller
Ryan (WI)	Stupak	Wexler
Ryun (KS)	Sununu	Whitfield
Sabo	Sweeney	Wicker
Salmon	Talent	Wilson
Sanchez	Tancredo	Wise
Sanders	Tauscher	Wolf
Sandlin	Tauzin	Woolsey
Sanford	Taylor (MS)	Wynn
Sawyer	Taylor (NC)	Young (AK)
Saxton	Terry	Young (FL)
Schaffer	Thomas	

NAYS—2

Nadler
NOT VOTING—23

Baker	Frost	Pryce (OH)
Burr	Gallegly	Scarborough
Burton	Holden	Shadegg
Calvert	Jefferson	Smith (WA)
Carson	Jones (OH)	Tanner
Clayton	Largent	Weygand
Coble	Miller, George	Wu
Cunningham	Moakley	

□ 1249

Messrs. BRADY of Texas, KING, CHAMBLISS and REYES changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above rerecorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. 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. 1487, the bill just passed.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice

and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from New York (Mrs. MCCARTHY), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Mrs. MCCARTHY of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and

(2) the committee of conference should meet every weekday in public session until the committee of conference agrees to recommend a substitute.

The SPEAKER pro tempore. The question on the motion to instruct offered by the gentlewoman from New York (Mrs. MCCARTHY).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 218, not voting 25, as follows:

[Roll No. 445]

YEAS—190

Abercrombie	Ford	Meek (FL)
Ackerman	Frank (MA)	Meeks (NY)
Allen	Franks (NJ)	Menendez
Andrews	Frelinghuysen	Millender-
Baird	Ganske	McDonald
Baldacci	Gejdenson	Minge
Baldwin	Gephardt	Mink
Barrett (WI)	Gilchrest	Moore
Becerra	Gilman	Moran (VA)
Bentsen	Gonzalez	Morella
Berkley	Greenwood	Nadler
Berman	Gutierrez	Napolitano
Berry	Hall (OH)	Neal
Bilbray	Hastings (FL)	Nussle
Blagojevich	Hinchev	Obey
Blumenauer	Hinojosa	Olver
Boehlert	Hoeffel	Ose
Bonior	Holt	Owens
Borski	Hooley	Pallone
Boswell	Horn	Pascrell
Brady (PA)	Hoyer	Pastor
Brown (FL)	Inslee	Payne
Brown (OH)	Jackson (IL)	Pelosi
Camp	Jackson-Lee	Pomeroy
Campbell	(TX)	Porter
Capps	Johnson (CT)	Price (NC)
Capuano	Johnson, E. B.	Quinn
Cardin	Kelly	Ramstad
Castle	Kennedy	Rangel
Clay	Kildee	Reyes
Clyburn	Kilpatrick	Rivers
Condit	Kleczka	Rodriguez
Conyers	Klink	Roemer
Coyne	Kucinich	Rothman
Crowley	Kuykendall	Roukema
Cummings	LaFalce	Roybal-Allard
Davis (FL)	Lantos	Rush
Davis (IL)	Larson	Sabo
Davis (VA)	Latham	Sanchez
DeFazio	Leach	Sanders
DeGette	Lee	Sawyer
Delahunt	Levin	Saxton
DeLauro	Lewis (GA)	Schakowsky
Deutsch	Lipinski	Scott
Dicks	Lofgren	Serrano
Dixon	Lowey	Shays
Doggett	Luther	Sherman
Dooley	Maloney (CT)	Slaughter
Doyle	Maloney (NY)	Snyder
Dunn	Markey	Spratt
Edwards	Martinez	Stabenow
Engel	Matsui	Stark
Eshoo	McCarthy (MO)	Stupak
Evans	McCarthy (NY)	Tauscher
Farr	McDermott	Thompson (CA)
Fattah	McGovern	Thompson (MS)
Filner	McKinney	Thurman
Foley	McNulty	Tierney
Forbes	Meehan	Towns

Udall (CO)
Udall (NM)
Upton
Velazquez
Vento

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Buyer
Callahan
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Fossella
Gibbons
Gillmor
Gordon
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Frost

Visclosky
Waters
Watt (NC)
Waxman
Weiner

NAYS—218

Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Cannon
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
LaTourrette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Duncan
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)

NOT VOTING—25

Galleghy
Holden
Hunter
Jefferson
Jones (OH)
Kaptur
Largent
Miller, George
Moakley

□ 1258

Mr. SMITH of Michigan changed his vote from "yea" to "nay."
Messrs. GILMAN, WELLER and LEACH changed their vote from "nay" to "yea."

Weller
Wexler
Wilson
Woolsey
Wynn

Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Kasich
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

So the motion was rejected.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentleman from California (Mr. DOOLITTLE), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion

The SPEAKER pro tempore. The question on the motion to instruct offered by the gentleman from California (Mr. DOOLITTLE).

This will be the 5-minute vote.

The vote was taken by electronic device, and there were—yeas 337, nays 73, not voting 23, as follows:

[Roll No. 446]

YEAS—337

Aderholt	Chabot	Ford
Allen	Chambliss	Fossella
Andrews	Chenoweth	Fowler
Archer	Clement	Frost
Armey	Clyburn	Ganske
Bachus	Coburn	Gejdenson
Baird	Collins	Gekas
Baldacci	Combest	Gephardt
Baldwin	Condit	Gibbons
Ballenger	Cook	Gilchrest
Barcia	Cooksey	Gillmor
Barr	Costello	Gilman
Barrett (NE)	Cox	Gonzalez
Barrett (WI)	Cramer	Goode
Bartlett	Crane	Goodlatte
Barton	Crowley	Gordon
Bass	Cubin	Goss
Bateman	Cummings	Graham
Bentsen	Danner	Granger
Bereuter	Davis (FL)	Green (TX)
Berkley	Davis (VA)	Green (WI)
Berman	Deal	Greenwood
Berry	DeFazio	Gutknecht
Biggert	DeLauro	Hall (OH)
Bilbray	DeLay	Hall (TX)
Bilirakis	DeMint	Hansen
Bishop	Deutsch	Hastings (WA)
Bliley	Dickey	Hayes
Blunt	Dicks	Hayworth
Boehler	Dingell	Hefley
Boehner	Doggett	Herger
Bonilla	Dooley	Hill (IN)
Bonior	Doolittle	Hill (MT)
Bono	Doyle	Hilleary
Borski	Dreier	Hilliard
Boswell	Duncan	Hinchev
Boucher	Dunn	Hinojosa
Boyd	Edwards	Hobson
Brady (PA)	Ehlers	Hoekstra
Brady (TX)	Ehrlich	Holt
Brown (FL)	Emerson	Hooley
Brown (OH)	English	Hostettler
Bryant	Etheridge	Houghton
Buyer	Evans	Hoyer
Callahan	Everett	Hulshof
Camp	Ewing	Hunter
Canady	Fattah	Hutchinson
Cannon	Filner	Hyde
Capps	Fletcher	Inslee
Cardin	Foley	Isakson
Castle	Forbes	Istook

□ 1306

Mr. TOWNS and Mr. BLUMENAUER changed their vote from "yea" to "nay."

Mrs. ROUKEMA, Mrs. CAPPS, and Messrs. BOEHLERT, HALL of Texas, SMITH of Michigan and DEUTSCH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes 444, 445, and 446, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted "yea" on rollcall vote 444, "nay" on rollcall vote 445, and "yea" on rollcall vote 446.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question on the motion to instruct conferees on the bill, H.R. 1501, offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays were ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 167, not voting 25, as follows:

[Roll No. 447]
YEAS—241

Jenkins Nethercutt Shows
John Ney Shuster
Johnson (CT) Northup Simpson
Johnson, Sam Norwood Sisisky
Jones (NC) Jones (NC) Nussle
Kanjorski Oberstar Skelton
Kaptur Obey Smith (MI)
Kasich Ortiz Smith (NJ)
Kelly Ose Smith (TX)
Kildee Oxley Snyder
Kind (WI) Packard Souder
King (NY) Pallone Spence
Kingston Pascrell Spratt
Klecza Paul Stabenow
Klink Pease Stearns
Knollenberg Peterson (MN) Stenholm
Kolbe Peterson (PA) Strickland
Kucinich Petri Stump
Kuykendall Phelps Stupak
LaFalce Pickering Sununu
LaHood Pickett Sweeney
Lampson Pitts Talent
Lantos Pombo Tancredo
Larson Pomeroy Tauscher
Latham Portman Tauzin
LaTourette Price (NC) Taylor (MS)
Lazio Quinn Taylor (NC)
Leach Radanovich Terry
Levin Rahall Thomas
Lewis (KY) Ramstad Thompson (CA)
Linder Regula Thompson (MS)
Lipinski Reyes Thornberry
LoBiondo Reynolds Thune
Lucas (KY) Riley Thurman
Lucas (OK) Rivers Tiahrt
Luther Rodriguez Toomey
Maloney (CT) Roemer Traficant
Maloney (NY) Rogan Turner
Manzullo Rogers Udall (CO)
Mascara Rohrabacher Udall (NM)
Matsui Ros-Lehtinen Upton
McCarthy (MO) Rothman Visclosky
McCarthy (NY) Roukema Vitter
McCollum Royce Walden
McCrery Ryan (WI) Walsh
McHugh Ryun (KS) Wamp
McInnis Sabo Watkins
McIntosh Salmon Watts (OK)
McIntyre Sanchez Waxman
McKeon Sanders Weiner
McNulty Sandlin Weldon (FL)
Menendez Sanford Weldon (PA)
Metcalf Sawyer Weller
Mica Whitfield
Miller (FL) Schaffer Wicker
Miller, Gary Sensenbrenner Wilson
Minge Sessions Wise
Mollohan Shaw Wolf
Moore Shays Young (AK)
Moran (KS) Sherman Young (FL)
Murtha Sherwood
Myrick Shimkus

NAYS—73

Abercrombie Jackson (IL) Napolitano
Ackerman Jackson-Lee Neal
Becerra (TX) Olver
Blagojevich Johnson, E. B. Owens
Blumenuer Kennedy Pastor
Campbell Kilpatrick Payne
Capuano Lee Pelosi
Clay Lewis (CA) Porter
Conyers Lewis (GA) Rangel
Coyle Lofgren Roybal-Allard
Davis (IL) Lowey Rush
DeGette Markey Schakowsky
Delahunt Martinez Scott
Dixon McDermott Serrano
Engel McGovern Slaughter
Eshoo McKinney Stark
Farr Meehan Tierney
Frank (MA) Meek (FL) Towns
Franks (NJ) Meeks (NY) Velazquez
Frelinghuysen Millender Vento
Goodling McDonald Waters
Gutierrez Mink Watt (NC)
Hastings (FL) Moran (VA) Wexler
Hoeffel Morella Woolsey
Horn Nadler Wynn

NOT VOTING—23

Baker Diaz-Balart Pryce (OH)
Burr Gallegly Scarborough
Burton Holden Shadegg
Calvert Jefferson Smith (WA)
Carson Jones (OH) Tanner
Clayton Largent Weygand
Coble Miller, George Wu
Cunningham Moakley

Abercrombie Clement Filner
Ackerman Foley Foye
Allen Condit Forbes
Andrews Conyers Ford
Baird Cox Fossella
Baldacci Coyne Fowler
Baldwin Crowley Frank (MA)
Barrett (WI) Cummings Franks (NJ)
Bateman Davis (FL) Frelinghuysen
Becerra Davis (IL) Frost
Bentsen Davis (VA) Ganske
Bereuter DeFazio Gejdenson
Berkley DeGette Gephardt
Berman Delahunt Gilcrest
Berry DeLauro Gilman
Biggert Deutsch Gonzalez
Bilbray Diaz-Balart Goodling
Blagojevich Dicks Goss
Blumenauer Dixon Green (WI)
Boehlert Doggett Gutierrez
Bonior Dooley Gutknecht
Bono Doyle Hall (OH)
Borski Dreier Hastings (FL)
Boswell Dunn Hinchey
Boyd Edwards Hinojosa
Brady (PA) Ehlers Hobson
Brown (FL) Ehrlich Hoeffel
Brown (OH) Engel Holt
Camp English Hooley
Canady Eshoo Horn
Capps Etheridge Houghton
Capuano Evans Hoyer
Cardin Largent Hyde
Castle Farr Inslee
Clay Fattah Isakson

Jackson (IL) Meehan Ryan (WI)
Jackson-Lee Meek (FL) Sabo
(TX) Meeks (NY) Sanchez
Johnson (CT) Menendez Sanders
Johnson, E. B. Millender Sawyer
Kaptur McDonald Saxton
Kasich Miller (FL) Schakowsky
Kelly Minge Scott
Kennedy Mink Serrano
Kildee Moore Shaw
Kilpatrick Moran (VA) Shays
Kind (WI) Morella Sherman
Klecza Myrick Slaughter
Klink Nadler Smith (MI)
Kolbe Napolitano Smith (NJ)
Kucinich Neal Snyder
Kuykendall Northup Spratt
LaFalce Nussle Stabenow
LaHood Olver Stark
Lantos Ose Stearns
Larson Owens Stupak
Latham Pallone Tancredo
LaTourette Pascrell Tauscher
Lazio Pastor Thompson (CA)
Leach Payne Thompson (MS)
Lee Pelosi Thurman
Levin Pomeroy Tierney
Lewis (GA) Porter Towns
Linder Portman Udall (CO)
Lipinski Price (NC) Udall (NM)
LoBiondo Quinn Upton
Lofgren Ramstad Velazquez
Lowey Rangel Vento
Luther Regula Walsh
Maloney (CT) Reyes Waters
Maloney (NY) Reynolds Watt (NC)
Markey Rivers Waxman
Martinez Rodriguez Weiner
Matsui Roemer Weldon (FL)
McCarthy (MO) Rogan Weldon (PA)
McCarthy (NY) Ros-Lehtinen Weller
McCollum Rothman Wexler
McCrery McDermott Wolf
McHugh McGovern Roybal-Allard Woolsey
McInnis McKinney Royce Wynn
McIntyre McNulty Rush Young (FL)

NAYS—167

Aderholt Gordon Oberstar
Archer Graham Obey
Army Granger Ortiz
Bachus Green (TX) Oxley
Ballenger Hall (TX) Packard
Barcia Hansen Paul
Barr Hastings (WA) Pease
Barrett (NE) Hayes Peterson (MN)
Bartlett Hayworth Peterson (PA)
Barton Hefley Petri
Bass Herger Pickens
Bilirakis Hill (IN) Picking
Bishop Hill (MT) Pickett
Bliley Hilleary Pitts
Blunt Hilliard Pombo
Boehner Hoekstra Radanovich
Bonilla Hostettler Rahall
Boucher Hulshof Riley
Brady (TX) Hunter Rogers
Bryant Hutchinson Rohrabacher
Buyer Istook Ryun (KS)
Callahan Jenkins Salmon
Campbell John Sandlin
Cannon Johnson, Sam Sanford
Chabot Jones (NC) Schaffer
Chambliss Kanjorski Sensenbrenner
Coburn King (NY) Sessions
Collins Kingdon Sherwood
Combest Knollenberg Shimkus
Cook Lampson Shows
Cooksey Lewis (CA) Shuster
Costello Lewis (KY) Simpson
Cramer Lucas (KY) Sisisky
Crane Lucas (OK) Skeen
Cubin Manzullo Skelton
Danner Mascara Smith (TX)
Deal McCrery Souder
DeLay McHugh Spence
DeMint McMinnis Stenholm
Dickey McIntosh Strickland
Dingell McIntyre Stump
Doolittle McKeon Sununu
Duncan Metcalf Sweeney
Emerson Mica Talent
Everett Miller, Gary Tauzin
Fletcher Mollohan Taylor (MS)
Gekas Moran (KS) Taylor (NC)
Gibbons Murtha Terry
Gillmor Nethercutt Thomas
Goode Ney Thornberry
Goodlatte Norwood Thune

Tiaht	Walden	Wicker
Toomey	Wamp	Wilson
Trafficant	Watkins	Wise
Turner	Watts (OK)	Young (AK)
Vitter	Whitfield	

NOT VOTING—25

Baker	Gallegly	Scarborough
Burr	Greenwood	Shadegg
Burton	Holden	Smith (WA)
Calvert	Jefferson	Tanner
Carson	Jones (OH)	Visclosky
Chenoweth	Largent	Weygand
Clayton	Miller, George	Wu
Coble	Moakley	
Cunningham	Pryce (OH)	

□ 1315

Mr. ENGLISH changed his vote from "nay" to "yea."

Mr. SWEENEY changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on Friday, September 24, 1999, I was in my district visiting with my constituents and local representatives of various sites devastated by the ravages of Hurricane Floyd. As a result, I missed four rollcall votes.

Had I been present, the following is how I would have voted: Rollcall No. 444, H.R. 1487, Public Participation in the Declaration of National Monuments, "yea"; rollcall No. 445, McCarthy Amendment to H.R. 1501, Juvenile Justice Reform Act, "yea"; rollcall No. 446, Doolittle Amendment to H.R. 1501, Juvenile Justice Reform Act, "nay"; and rollcall No. 447, Lofgren Amendment to H.R. 1501, Juvenile Justice Reform Act, "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2579

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2579.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring from the distinguished majority leader the schedule for the rest of the day and the week and for the following week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that we have completed legislative business for this week.

The House will next meet on Monday, September 27, at 12:30 p.m. for morning hour and at 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today.

On Monday, Mr. Speaker, we do not expect recorded votes until 6 o'clock p.m.

Mr. Speaker, next week appropriations conference reports will obviously be our top priority, and as we approach the end of the fiscal year. Conference reports may become available as early as Monday and throughout the week for consideration by the House.

On Tuesday, September 28, and the balance of the next week the House will take up the following measures, all of which will be subject to rules: H.R. 2506, the Health Research and Quality Act; H.R. 2559, the Agricultural Risk Protection Act; H.R. 2436, the Unborn Victims of Violence Act; and H.R. 2910, the National Transportation and Safety Board Amendments Act.

The House is also likely to consider a continuing resolution at some point next week.

Mr. Speaker, I would like to also take the opportunity to remind Members that the annual congressional basketball game is scheduled for this coming Wednesday evening. That basketball game will benefit the country's only college for the deaf. This is a very worthy cause, Mr. Speaker, and I wish all the participants the best of luck.

Mr. Speaker, on Friday, October 1, no votes are expected after 2 o'clock p.m. I wish all my colleagues a safe travel back to their districts.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

Just a couple of questions, Mr. Speaker. Does the gentleman from Texas expect any late evenings next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, the gentleman is correct in asking. We have a large number of conference reports that we expect in the appropriations cycle. We should expect that we would be late Monday night. We would hope to do as many as two conference reports on Monday night.

With the exception of Wednesday, where we will try to accommodate that charity event, I think we would need to be prepared to work late every night. We will try to keep the Members apprised as conference reports are available.

Mr. BONIOR. I thank my colleague. With only three signable appropriation bills that have been sent to the President, I can understand the gentleman's concern to work the evenings next week.

We appreciate the slot for the Galaudet basketball charity biennial game that is held every year.

Can the gentleman from Texas tell us about the tax extender bill and when that might be expected?

Mr. ARMEY. Again, if the gentleman will yield, I understand that the Com-

mittee on Ways and Means has marked up today a tax extender bill. This is a matter of some urgency to a great many Members. It is certainly under consideration. I can only say with some confidence that while it will be considered, it would not be something we would look for next week on the floor.

Mr. BONIOR. How about the minimum wage bill? Does the gentleman have any further news on that?

Mr. ARMEY. Again, let me thank the gentleman for asking.

I might mention, prior to responding to the question, while I collect my thoughts on that part of the question, Mr. Speaker, that we will be trying to do a rule early so we can have same-day consideration for the appropriations conference reports.

There are a great many people working on minimum wage legislation. It is a matter of great interest to a large number of our Members and to constituents across the country. We are receiving reports from these various efforts, the committees of jurisdiction obviously being involved.

While I anticipate some action may occur on that subject during this year, I do not see anything clearly consolidated for presentation to the floor yet at this time.

Mr. BONIOR. But it is the gentleman's desire, or has it been a subject of conversation in the leadership, to try to bring something to the floor this year, is that what the gentleman has just said?

Mr. ARMEY. Again, if the gentleman will yield, the leadership is well aware of the number of Members on both sides of the aisle that are interested in this subject. We are watching their work as it proceeds. They are doing this on a very methodical basis, checking always with the committees of jurisdiction, the committees also exercising their jurisdiction.

We see hearings, for example, in the Committee on Education and the Workforce. I can only say at this point we do not have something that we expect to put on the floor, but we do anticipate that some legislation could be consolidated for consideration prior to our closing this session of Congress.

Mr. BONIOR. Mr. Speaker, I will have to digest that last answer of the gentleman. Thank my colleague. Could I just ask one other question, because it relates to the scheduling.

We are entering the new fiscal year, as we all know, next week, and the prospects of a session next weekend was not discussed in the majority leader's statement. Are there any comments the gentleman would like to make with respect to that?

Mr. ARMEY. Again, Mr. Speaker, if the gentleman will continue to yield, I appreciate the gentleman's request. This is a matter of concern to a great many Members.

The gentleman from Michigan will notice that I included in my prepared remarks that we would expect votes to

be concluded by 2 o'clock on Friday. That is our expectation. Obviously, we place a high priority on conference reports, but it is our anticipation that that urgent business will be completed by that time.

If there is a change, it will be my purpose to notify all Members as quickly as possible, but right now I think the safe presumption for us to make is that we would conclude business by that time.

Mr. BONIOR. I thank my colleague, Mr. Speaker.

ADJOURNMENT TO MONDAY,
SEPTEMBER 27, 1999

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CLEMENCY FOR FALN
TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am disappointed that the House did not get an opportunity earlier this week to discuss the Senate's resolution condemning the President's decision to grant clemencies to members of the FALN.

I draw Members' attention to the USA Today's headline, "FALN Brought Bloody Battle Into America's Streets." Let me read part of this newspaper article.

The Puerto Rican separatist group FALN exploded into public view on January 24, 1975, by attacking an icon of American history. It quickly became the most feared domestic terrorist group operating on U.S. soil.

The 1975 bombing of the Fraunces Tavern in New York City, where General George Washington bid farewell to his troops in 1783, left four dead and 54 wounded. It was the deadliest of more than 130 attacks linked to this group from 1974 to 1987, when most members were jailed.

Some Members here feel we are wasting our time talking about an issue that is already a fait accompli because the President has in fact signed the clemency and they are out of jail. They say we should be discussing social issues important to the American people.

Let me tell the Members, that is exactly what we are doing here in discussing the clemencies for FALN Members. We are talking about whether we should be a society that tolerates violence or a society that condemns it. It seems to me the people who propose more gun control measures, and some of it was discussed here today, as a solution to prevent future tragic acts of violence are the same ones who preach forgiveness and understanding for past acts of violence.

Following this twisted logic, we should create new gun control laws and then offer clemency to the people convicted of violating those laws.

It sounds like a bizarre scenario to me. But anyone who supports the President's decision to offer clemency to Members of the FALN is not serious about locking up those who violate our Nation's existing gun laws.

Of the 16 terrorists offered clemency by the President, 12 were convicted of the following violations of Federal firearm laws:

Possession of an "unregistered firearm," a machine gun or sawed-off rifle or shotgun. Twelve were convicted of those crimes.

Nine were carrying a firearm during the commission of a seditious conspiracy and interference with interstate commerce by violence.

Nine were arrested and convicted for interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence;

Three, conspiracy to make a "destructive device", such as a pipe bomb; Two, possession of a firearm without a serial number.

These are people we let out of jail last week. For anyone who thinks that these terrorists will now be model citizens, let me share with them the 1997 statistics from the Bureau of Justice. Of the 108,580 persons released from prisons in 11 States in 1983, representing more than half of all released State prisoners that year, an estimated 62.5 percent were rearrested for a felony or serious misdemeanor within 3 years, 46 percent were reconvicted, 41 percent returned to jail. A high recidivism rate, I would assume.

Maybe those same people we let out last week will have a chance to display

their good citizenship, as they did when they maimed, injured, and killed others.

I do not care if those offered clemency actually pulled the trigger, detonated the bomb, or drove the get-away car. The fact is they were active members of a terrorist organization dedicated to violence. Now they are free by an act of this president. That is more than a shame, it is tragic.

Let me also read, because people say that it is time for healing, time to get along, time to accept their apologies, time to recognize they have said they are sorry. Let us let them out of jail.

Jailhouse statements of FALN Members given clemency contrast with their recently stated claims to have renounced violence.

In October, 1995, for example, Luis Rosa, Alicia Rodriguez, and Carlos Torres told the Chicago Tribune that they have nothing to be sorry for and have no intention of renouncing armed revolution.

Another FALN member granted clemency, Ricardo Jimenez, told the judge in his case, "We are going to fight. Revolutionary justice will take care of you and everyone else." I think that is a fairly strong threat.

Talk about four killed, 54 injured.

On October 26, five bombings in downtown New York City, more than \$1 million in damage.

December 11, New York police were called to an upper east side building to collect a dead body. A booby-trap was set for them. A police officer was injured and lost an eye.

June 15, two bombs detonated in Chicago's loop area.

February, 1973, Merchandise Mart in Chicago bombed, damage totaled \$1.3 million.

□ 1330

August 3, 1977, Mobil Oil employment office in New York bombed, one killed, several injured; November 1979, two Chicago military recruiting offices and an armory bombed; March 1980, FALN members seized the Carter-Mondale campaign office.

My colleagues, these people should not have been released. This is an outrage, and the citizens of America should recognize it for what it is. It was a political act and not a just act.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA 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 Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

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

FAREWELL TRIBUTE TO ROUBEN SHUGARIAN, OUT-GOING AMBASSADOR OF THE REPUBLIC OF ARMENIA

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. Mr. Speaker, earlier this week I spoke about the 8th anniversary of the Independence of the Armenian Republic, which is celebrated by the citizens of Armenia and by people of Armenian descent here in the United States on September 21. But one individual who has played a significant role in solidifying the bonds between the United States and Armenia during these early years of Armenian independence is the current ambassador, Rouben Shugarian. Mr. Shugarian has represented Armenia in Washington since March 1, 1993, and in a few weeks Ambassador Shugarian will be leaving Washington to take another post in the foreign ministry in Yerevan, Armenia's capital. Still only in his late 30s, Ambassador Shugarian obviously has a great future ahead of him in service to the Armenian Republic.

During his very distinguished tenure here, Ambassador Shugarian has done a great deal to help raise the profile of Armenia in the Capitol of the free world. For his efforts, he has earned the respect of Members of Congress, the administration, and his colleagues from many other nations in the Washington diplomatic corps. He has also earned the gratitude of the Armenian-American community for helping to advance Armenia's cause, while making the embassy an important focal point for Armenian Americans.

When Ambassador Shugarian arrived in Washington, Armenia did not really have an embassy per se, making do with cramped office space. But during his tenure, the Armenian mission in Washington moved to a beautiful facility in the embassy row area near Massachusetts Avenue. The physical presence of the embassy and its central location serves to symbolize Armenia's arrival as one of the emerging nations of the post-Cold War world.

Yesterday, Wednesday, September 23, The Washington Post had an article on Ambassador Shugarian entitled "A Reflection on Washington's Ways." The article says, "The image of a nation that is coming back home," was the way the ambassador described to The Washington Post how he has sought to represent his country abroad. Again quoting from the article, it says, "In a speech at a farewell reception at the Armenian embassy last Friday, Shugarian joked that in the first 2 years he and his staff learned what not to do in Washington, and in the next 5 years they learned about what to do."

Mr. Speaker, it is no secret that Washington is considered the most prestigious and high-profile post for international diplomats. Ambassador Shugarian's appointment to this pres-

tigious post at such a young age demonstrates the high regard he was held in by the leaders of the newly independent Armenian Republic. Indeed, his relative youth in some ways symbolized the energy and optimism of the newly born country that he represented. His success here shows how well deserved that reputation was.

Since becoming an independent country, Armenia has signed a wide range of agreements with the United States on trade and investment, on science and technology, on humanitarian issues, and the establishment of a Peace Corps program in Armenia. Ambassador Shugarian has played an important role in much of this progress, and his leadership will be sorely missed.

As The Washington Post article notes, Ambassador Shugarian recently had an opportunity to interact with his Turkish counterpart, Ambassador Baki Ilkin in the aftermath of last month's devastating earthquake in Turkey. Since Armenia came through a devastating earthquake in 1988, it has some experience with this type of natural disaster. Armenia offered to help its neighbor, despite their strained relations. Although the initial delivery of aid was rejected at the insistence of certain extreme nationalists in Turkey, eventually Armenian relief supplies did arrive in the stricken earthquake area.

A further hopeful sign was seen here last week when Turkish Ambassador Ilkin made an appearance at Ambassador Shugarian's farewell party. And that really was the first time in the annals of Washington diplomacy that the ambassadors of the two countries had met together formally.

Mr. Speaker, Ambassador Shugarian is in the process of completing a book on his recollections of his service in Washington, entitled *On the Overgrown Path*. And as he leaves Washington to return to Armenia, I want to wish Ambassador Shugarian, his wife Lilit Karapetian, and their two sons all the best. I hope we will have the opportunities to receive them as visitors in the country they called home for more than 6 years.

Mr. Speaker, I submit for the RECORD the article I referred to above.

[From the Washington Post, September 22, 1999]

DIPLOMATIC DISPATCHES—A REFLECTION ON WASHINGTON'S WAYS
(By Nora Boustany)

Seven years after arriving as Armenia's first ambassador to Washington, Rouben Robert Shugarian is moving on to greener pastures at the Foreign Ministry in Yerevan. The former university professor, specialized in American and English literature and philosophy, said that despite the maddening tempo of diplomatic life here, every day has been a revelation and a discovery.

"There is never a second chance to make a first impression," Shugarian noted stoically about his stiff learning curve in Washington. He is completing a book on some of his recollections here titled "On the Overgrown Path," which looks at his homeland's inde-

pendence since it broke away from the Soviet Union eight years ago tomorrow. It offers a conceptual look at U.S.-Armenian relations, touching on stereotypes and real perceptions of Armenia here and focusing on how best to represent Armenia abroad in its new incarnation.

"The image of a nation that is coming back home," was the way he described it. He said Armenia is a country that has suffered from extensive man-made and natural disasters, that is now trying to build its future differently. In a speech at a farewell reception at the Armenian embassy last Friday, Shugarian joked that in the first two years, he and his staff learned what not to do in Washington and the next five years they learned about what to do.

"This is a tough city. Any sign of exhausted creativity or ineffectiveness is not easily pardoned. This is an open society. Old career diplomacy tricks and buttoned up social graces don't get the job done," he said in an interview yesterday. "This is a country where you have to be engaged in a sincere dialogue to reach your objectives." A country that had no diplomatic representation, Armenia now has 15 students at Tufts' Fletcher School of Law and Diplomacy who Shugarian hopes will benefit from his impressions. The book will not be a memoir as such because he will not be able to share some secrets until some time has elapsed. His most exhilarating moments in Washington came in 1993 when he celebrated Armenia's second anniversary of independence at Meridian International House.

"We did not have an embassy at the time. One felt the country becoming a reality, however, and that we were really going back home," he reminisced.

He said his first extended exposure to Turkey's ambassador, Baki Ilkin, was in the aftermath of the devastating earthquake Aug. 17 that killed more than 15,000 people. Armenia arranged to send a plane with seismologists, doctors, generators, blankets and medicine to the stricken areas. "We went through a terrible earthquake 11 years ago in which 25,000 people were killed. It was a purely moral step, not a political one and we do not expect anything in return. We went through something like that and we know what it is like," the ambassador said.

Although Turkey and Armenia do not have embassies in one another's capitals, Ilkin made a 20-minute appearance at Shugarian's farewell reception, a first in the annals of Washington diplomacy. "This is such a wonderful country where there is so much to see, to learn and to understand," Shugarian said in summing up his time here. "The most striking thing about life here is the freedom that exists, the freedom that gives you an opportunity."

AMERICANS DESERVE A BREAK WHEN IT COMES TO TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRlich) is recognized for 5 minutes.

Mr. EHRlich. Mr. Speaker, the typical American family pays 38 percent of its income in taxes, more than it spends on food, clothing and shelter combined. We are taxed when we save for school, taxed when we get married, even taxed when we die. Mr. Speaker, it is about time the American family got a break. That is why this Congress passed comprehensive tax relief that includes the most meaningful tax relief passed in a generation.

The strongest evidence of all that Americans are paying too much is the size of the budget surplus. Conservatively projected at \$2.9 trillion over the next 10 years, this surplus was earned by taxpayers. They are the ones who deserve to reap the benefits of their labors. The Republican tax relief package returned only a portion of that money to taxpayers, despite all that spin from this floor and the administration to the contrary.

Specifically, Mr. Speaker, our proposal returns 27 cents on each dollar of surplus over the next decade. The remainder we locked away to be used for protecting Social Security, strengthening Medicare, and paying off the national debt. Our tax relief package benefits all Americans, married couples, senior citizens, working families, the self-employed, public schools, and distressed neighborhoods.

We provide tax relief for married couples. One of the most unfair provisions in our present Tax Code requires married couples to pay more in taxes simply because they are married. Our plan eases this unfair penalty to the benefit of 42 million taxpayers.

We provide tax relief for education. Our plan helps parents and students facing educational expenses by raising the ceiling on education savings accounts and permitting their use for K through 12 costs, and changing bond rules to assist local school construction issues.

We provide tax relief for retirement. Our plan helps American workers gain access to a pension plan and enjoy greater retirement security by increasing limits to 401(k) plans and other retirement options, increasing portability of pensions, and simplifying pension rules.

We provide tax relief for medical expenses. Our plan makes health care and long-term care more affordable and accessible for all Americans. It allows a 100 percent deduction for health insurance premiums and long-term care insurance premiums, and provides an additional personal exemption for financial hardships associated with caring for elderly family members at home.

We provide tax relief for survivors. Our plan gradually eliminates the hated death tax, the Federal estate tax, a monstrous tax bite that has shut down far too many family farms, ranches and small businesses. And we provide tax relief to create jobs and growth.

Finally, our plan also promotes investment, risk-taking, and job creation. We provide pro-growth incentives to help attract business and create jobs in at-risk communities, and stimulate growth and investment by providing capital gains tax relief.

Let us compare the Republican plan with the Democrat alternative, which would have raised taxes by \$4 billion. That plan was defeated by this House 173 to 258. The minority leadership apparently does not believe American taxpayers deserve to get back at least

some of their hard-earned dollars, nor apparently does the present Clinton-Gore administration.

The President has vetoed the tax bill. He is not committed to cutting taxes, saving Social Security, strengthening Medicare and paying off the public debt. If he were, he would realize that our plan devotes \$2 of every \$3 to the tax surplus specifically for those purposes.

Finally, Mr. Speaker, our logic is clear and simple. If we fail to give a portion of the budget surplus back to where it belongs, to the hard-working American taxpayers, Washington will spend every dime of it and more. Everybody knows it. That is the way this town operates. Always has been, always will be.

On the other hand, I am always happy to cast my vote for putting more money in the hands of the people who earned it, the American taxpayer, not in the hands of Washington big spenders.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WU (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, September 28.

Mr. EHRLICH, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, September 27, 1999, at 12:30 p.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:

4437. A letter from the Federal Register Liaison Officer, Regulations & Legislation Division, OTS, Department of the Treasury, transmitting the Department's final rule—Management Official Interlocks [Docket No. 99-36] (RIN: 1550-AB07) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4438. A letter from the Under Secretary Rural Development, Department of Agriculture, transmitting the Department's final rule—Manufactured Housing Thermal Requirements (RIN: 0575-AC11) received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4439. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Drug Elimination Program Formula Allocation [Docket No. FR-4451-F-04] (RIN: 2577-AB95) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4440. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Conversion of Insured Credit Unions to Mutual Savings Banks—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4441. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4442. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4443. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4444. A letter from the Secretary, Health and Human Services, transmitting a consolidated report on the Community Food and Nutrition Program for Fiscal Years 1996 and 1997; to the Committee on Education and the Workforce.

4445. A letter from the Secretary, Department of Health and Human Services, transmitting the report The National Breast and Cervical Cancer Early Detection Program, 1996, pursuant to Public Law 101-354, section 2 (104 Stat. 415); to the Committee on Commerce.

4446. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—DOE Authorized Subcontract for Use by DOE Management and Operating Contractors with New Independent States' Scientific Institutes through the International Science and Technology Center—received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4447. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety & Health, Department of Energy, transmitting the Department's final rule—Air Monitoring Guide [DOE G 441.1-8] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4448. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of

Energy, transmitting the Department's final rule—Sealed Radioactive Source Accountability and Control Guide [DOE G 441.1.13] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4449. A letter from the Special Assistant to Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses [MM Docket No. 97-234] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4450. A letter from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96-262] Price Cap Performance Review for Local Exchange Carriers [CC Docket No. 94-1] Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers [CCB/CPD File No. 98-63] Petition of US West Communications, Inc. for Forebearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA [CC Docket No. 98-157] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4451. A letter from the Supervisory Attorney/Advisor, Common Carrier Bureau Accounting Safeguards Division, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Review of Accounting and Cost Allocation Requirements [CC Docket No. 98-81, FCC 99-106] August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4452. A letter from the Chairman, Federal Communications Commission, transmitting the Federal Communications Commission's "Fourth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services"; to the Committee on Commerce.

4453. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices [ET Docket No. 98-42] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4454. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal years 1995 through 1997, pursuant to 40 U.S.C. 483(e); to the Committee on Government Reform.

4455. A letter from the Deputy Archivist of the United States, Information Security Oversight Office, National Archives & Records Administration, transmitting the Administration's final rule—Information Security Oversight Office [Directive No.1; Appendix A] (RIN: 3095-AA92) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4456. A letter from the Director, Office of the Secretary of Defense, Office of the Secretary of the Army, transmitting a report of vacancy; to the Committee on Government Reform.

4457. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1998, through March 31, 1999, and the Management Response for the same period,

pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4458. A letter from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999-2000 Late Season [RIN: 1018-AF24] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4459. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [SPATS No. TX-041-FOR] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4460. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [RIN: 1018-AF24] received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4461. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan [SPATS No. AR-029-FOR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4462. A letter from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Magnuson-STEVENSON Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations; OMB Control Numbers [Docket No. 981228324-9168-02; I.D. 121697A] (RIN: 0648-AJ70) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4463. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species Fisheries; Bluefin Tuna Quota Adjustments [I.D. 080999K] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4464. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species [I.D. 052499C] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4465. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 090999A] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4466. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 082399A] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4467. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species; Commercial Fishery Closure Change [I.D. 052499C] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4468. A letter from the Deputy Assistant Administrator, Drug Enforcement Administration, transmitting the Administration's final rule—Special Surveillance List of Chemicals, Products, Materials and Equipment Used in Clandestine Production of Controlled Substances or Listed Chemicals [DEA-172N] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4469. A letter from the Chief Justice, Supreme Court, transmitting a notice that the Supreme Court will open the October 1999 Term on October 4, 1999 and will continue until all matters before the Court, ready for argument, have been disposed of or declined; to the Committee on the Judiciary.

4470. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Amendment to Section 5333(b) Guidelines To Carry Out New Programs Authorized by the Transportation Equity Act for the 21st Century (TEA 21) [RIN: 1215-AB25]—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Secretary of Transportation, transmitting the Demonstration Project Final Report on The Chittenden County Circumferential Highway; to the Committee on Transportation and Infrastructure.

4472. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures—received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4473. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Placer Mining Industry—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4474. A letter from the Deputy Executive Secretary to the Department, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Graduate Medical Education (GME); Incentive Payments under Plans for Voluntary Reduction in the Number of Residents [HCFA-1001-IFC] [RIN: 0938-A127] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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. GOODLING: Committee on Education and the Workforce. H.R. 1102. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 106-331, Pt. 1). Ordered to be printed.

Mr. CANADY: Committee on the Judiciary. H.R. 2436. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; with an amendment (Rept. 106-332, Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2679. A bill to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen

commercial driver's licenses, and for other purposes (Rept. 106-333). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 187. Resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft (Rept. 106-334 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2436. Referral to the Committee on Armed Services extended for a period ending not later than September 29, 1999.

House Concurrent Resolution 187. Referral to the Committee on International Relations extended for a period ending not later than October 8, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KOLBE:

H.R. 2941. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; to the Committee on Resources.

By Mr. SMITH of Michigan (for himself, Ms. BALDWIN, and Mr. PICKERING):

H.R. 2942. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. BISHOP (for himself and Mr. KENNEDY of Rhode Island):

H.R. 2943. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Education and the Workforce.

By Mr. BARTON of Texas:

H.R. 2944. A bill to promote competition in electricity markets and to provide consumers with a reliable source of electricity, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself and Mr. STRICKLAND):

H.R. 2945. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS:

H.R. 2946. A bill to amend title 5, United States Code, to authorize the Merit Systems Protection Board to conduct an alternative dispute resolution pilot program to assist Federal Government agencies in resolving serious workplace disputes, and to establish an administrative judge pay schedule for administrative judges employed by the Merit Systems Protection Board; to the Committee on Government Reform.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. EHLERS, Mr. BAIRD, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. COOK, Mr. DEFAZIO, Mr. DICKS, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FROST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. LEACH, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. METCALF, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UNDERWOOD, and Mr. VENTO):

H.R. 2947. A bill to amend the Federal Power Act to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Commerce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. CARDIN):

H.R. 2948. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2949. A bill to amend the Individuals with Disabilities Education Act relating to the minimum amount of State grants for any fiscal year under that Act; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon:

H.R. 2950. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Resources.

By Mr. ROHRBACHER (for himself and Mr. LIPINSKI):

H. Res. 304. A resolution expressing the sense of the House of Representatives concerning the war crimes committed by the Japanese during World War II; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

231. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin, relative to the Enrolled Joint Resolution memorializing the Congress of the United States to enact legislation that would specify that no portion of the money received by the states as part of the tobacco settlement or of any other resolution of the tobacco litigation may be withheld, offset or claimed by the federal government; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. JONES of North Carolina, Mr. HULSHOF, and Mr. SANDLIN.

H.R. 41: Mr. PETERSON of Minnesota.

H.R. 53: Mr. KOLBE and Mr. SANDLIN.

H.R. 65: Mrs. CAPPS and Mr. PETERSON of Minnesota.

H.R. 72: Mr. TALENT.

H.R. 202: Ms. SCHAKOWSKY.

H.R. 303: Mr. SESSIONS, Mr. HOLT, Mrs. NORTHUP, and Mr. GOODLING.

H.R. 354: Mr. MOAKLEY and Mr. SALMON.

H.R. 382: Mr. MATSUI, Mrs. THURMAN, Ms. MILLENDER-MCDONALD, Mr. LIPINSKI, Ms. BROWN of Florida, Ms. DELAURO, and Mr. THOMPSON of California.

H.R. 460: Mrs. CAPPS.

H.R. 534: Mr. PRICE of North Carolina and Mr. BARTON of Texas.

H.R. 595: Mr. MARTINEZ and Mr. LEWIS of Georgia.

H.R. 637: Mr. ROGERS.

H.R. 664: Ms. KAPTUR, Mr. BAIRD, and Mr. GUTIERREZ.

H.R. 710: Mr. PICKETT.

H.R. 783: Mr. ISAKSON and Mr. PETERSON of Minnesota.

H.R. 784: Mr. GOODLING.

H.R. 802: Mr. MORAN of Virginia, Mr. HOYER, Mr. FORD, Mr. DOOLEY of California, Mr. STUPAK, and Ms. MCCARTHY of Missouri.

H.R. 864: Mr. YOUNG of Alaska and Mr. HOSTETTLER.

H.R. 865: Mr. CUNNINGHAM and Mr. SAM JOHNSON of Texas.

H.R. 946: Mr. LANTOS.

H.R. 1168: Mr. BOSWELL, Mr. RADANOVICH, and Ms. DANNER.

H.R. 1194: Mr. MCGOVERN and Mr. CARDIN.

H.R. 1221: Mr. ISAKSON.

H.R. 1234: Ms. PRYCE of Ohio and Mr. STUMP.

H.R. 1300: Ms. BERKLEY, Mr. HYDE, Mr. OSE, Mr. WHITFIELD, Mr. SESSIONS, Ms. BROWN of Florida, and Mr. HOBSON.

H.R. 1336: Mr. DUNCAN.

H.R. 1531: Mr. GONZALEZ.

H.R. 1621: Mr. PETERSON of Minnesota.

H.R. 1660: Mr. UNDERWOOD and Mr. MOLLOHAN.

H.R. 1708: Mr. ENGLISH and Ms. ESHOO.

H.R. 1746: Mrs. CUBIN and Mr. REGULA.

H.R. 1776: Mr. SHAYS.

H.R. 1785: Mr. CLYBURN, Mr. HALL of Ohio, Mr. WEYGAND, Ms. STABENOW, and Mr. BORSKI.

H.R. 1899: Mr. SWEENEY, Ms. WOOLSEY, and Mr. BERMAN.

H.R. 2053: Mr. McNULTY, Mr. RODRIGUEZ, Mr. TOWNS, Mr. FORBES, and Mrs. MCCARTHY of New York.

H.R. 2162: Ms. CARSON and Mr. HALL of Texas.

H.R. 2228: Mr. ABERCROMBIE.

H.R. 2240: Mr. SAWYER.

H.R. 2363: Mr. PICKERING, Mr. DICKEY, Mr. BOYD, Mr. MCINTOSH, Mr. BURTON of Indiana, and Mr. HINOJOSA.

H.R. 2389: Mrs. CLAYTON and Mr. SMITH of Michigan.

H.R. 2420: Mr. FORD.

H.R. 2433: Mr. SANDLIN and Ms. KILPATRICK.

H.R. 2436: Mr. HALL of Texas, Mr. KNOLLENBERG, Mr. DEAL of Georgia, Mr. COLLINS, Mr. BEREUTER, Mr. COOK, Mr. HULSHOF, Mr. HASTINGS of Washington, Mr. CHAMBLISS, Mr. SHADEGG, Mr. MICA, Mr. HANSEN, and Mr. BARTLETT of Maryland.

H.R. 2441: Mr. SAM JOHNSON of Texas and Mr. COBURN.

H.R. 2492: Ms. SLAUGHTER and Mrs. MALONEY of New York.

H.R. 2500: Mrs. MALONEY of New York.

H.R. 2543: Mr. SHAW, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, and Mr. BALLENGER.

H.R. 2741: Mrs. MORELLA.

H.R. 2801: Mr. BALDACCI.

H.R. 2819: Mr. COSTELLO, Mr. HINCHEY, Mr. GILMAN, Mr. CAPUANO, and Mrs. NAPOLITANO.

H.J. Res. 48: Mrs. TAUSCHER, Mr. LEWIS of California, Mr. STARK, Ms. ESHOO, Mr. PASTOR, Mr. BAIRD, Mrs. CLAYTON, Mr. ETHERIDGE, Mr. HILL of Indiana, and Mr. GOODLING.

H.J. Res. 53: Mr. BILBRAY and Mrs. WILSON.

H.J. Res. 65: Mr. BASS and Mr. UDALL of New Mexico.

H.J. Res. 66: Mr. BACHUS, Mr. JOHN, Mr. STEARNS, Mrs. EMERSON, Mr. PITTS, Mr. SMITH of New Jersey, Mr. ROGAN, Mr. TIAHRT, Mr. HILL of Montana, Mr. BLUNT, Mr. DICKEY, Mr. BRADY of Texas, Mr. RAHALL, Mr. BARRETT of Nebraska, Mr. ROGERS, Mr. BISHOP, Mr. WAMP, Mr. POMBO, Mr.

RILEY, Mr. WICKER, Mr. TRAFICANT, Mr. DOOLITTLE, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. BARR of Georgia, Mr. BEREUTER, Mr. BLILEY, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, Mr. HAYWORTH, Mr. BARCIA, Mr. NORWOOD, Mr. HULSHOF, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. COBURN, Mr. RADANOVICH, Mr. GARY MILLER of California, Mr. WELDON of Florida, Mr. TAYLOR of North Carolina, Mr. BARTLETT of Maryland, Mr. HILLEARY, Mr. CUNNINGHAM, Mr. TANCREDO, Mr. COOKSEY, Mr. GOODE, Mr. ARMEY, Mr. CONDIT, Mr. ROHRBACHER, Mr. LEWIS of Kentucky, Mr. HOEKSTRA, Mr. NEY, Mr. SHOWS, Mr. HERGER, Mr. CAMPBELL, Mr. YOUNG of Alaska, Mr. WATTS of Oklahoma, Mr. HUTCHINSON, Mr. GOODLATTE, Mr. HEFLEY, Mr. ADERHOLT, Mr. MCCRERY, Mr. KASICH, Mr. LUCAS of Oklahoma, Mr. BALLENGER, and Mr. LINDER.

H. Con. Res. 186: Mr. COX, Mr. HOSTETTLER, and Mr. RILEY.

H. Res. 292: Mr. RADANOVICH.

H. Res. 297: Mr. HOYER, Mr. BARTLETT of Maryland, Mr. GILLMOR, Mr. CHABOT, and Ms. DANNER.

H. Res. 302: Mr. SCHAFFER, Mr. DOOLITTLE, Mr. LUCAS of Kentucky, Mr. GREEN of Wisconsin, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. TANCREDO, Mr. COBURN, Mr. JONES of North Carolina, Mr. DEMINT, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. COBLE, Mr. VITTER, and Mr. RADANOVICH.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2579: Mr. INSLEE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

50. The SPEAKER presented a petition of The National Conference Of Lieutenant Governors, relative to a Resolution petitioning the Federal Government to keep its promise to meet its responsibility and to fund special education; to the Committee on Education and the Workforce.

51. Also, a petition of National Conference Of Lieutenant Governors, relative to a Resolution petitioning Congress to amend the Internal Revenue Code to increase the annual state ceiling on tax-exempt Private Activity BONDS and to index the ceiling to inflation; to the Committee on Ways and Means.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: Mr. Robert E. Wise, Jr., Mr. Tom Lantos, James A. Barcia, and Jay Inslee.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 16: Page 6, strike lines 6 through 10 and insert the following:

“(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are members of one of the priority populations and the number of trained researchers who are addressing the priority populations.

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 17: Page 7, after line 14, insert the following subsection:

“(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.