varied experiences that groups of various ethnic origin bring to our nation are major factor in the vigor and strength of our nation. We owe a great deal to the Americans of Asian ancestry for the values and vitality that they bring to our nation.

It is unfortunate, Mr. Speaker, that in the excitement and hysteria surrounding the issue of espionage by agents of the People's Republic of China the loyalty and patriotism of an entire class of American citizens—Americans of Asian ancestry—were brought into question. In the past our nation has condemned such scapegoating of an entire group of people, but now the China espionage hysteria has led to a similar problem with Asian-Americans.

Mr. Speaker, some 120,000 Asian/Pacific Americans serve in positions in the United States government and military—these are loyal, dedicated Americans who make important contributions to our nation and our national security. The resolution we are considering today reaffirms the importance of judging every man and woman by his or her own actions and recognizes the danger of racial or ethnic stereotyping.

Bigotry and racism have no place in the United States, Mr. Speaker, and I urge my colleagues to reaffirm that essential principle by supporting H. Con. Res. 124.

Mr. WU. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 124

Whereas the right to life, liberty, and the pursuit of happiness are truths we hold as self-evident;

Whereas all Americans are entitled to the equal protection of law;

Whereas Americans of Asian ancestry have made profound contributions to American life, including the arts, our economy, education, the sciences, technology, politics, and sports, among others;

Whereas Americans of Asian ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present; and

Whereas due to recent allegations of espionage and illegal campaign financing, the loyalty and probity of Americans of Asian ancestry has been questioned: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) no Member of Congress or any other American should generalize or stereotype the actions of an individual to an entire group of people;

(2) Americans of Asian ancestry are entitled to all rights and privileges afforded to all Americans; and

(3) the Attorney General, the Secretary of Energy, and the Commissioner of the Equal Employment Opportunity Commission should, within their respective jurisdictions, vigorously enforce the security of America's national laboratories and investigate all allegations of discrimination in public or private workplaces.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANTITRUST TECHNICAL CORRECTIONS ACT OF 1999

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1801) to make technical corrections to various antitrust laws and to references to such laws, as amended.

The Clerk read as follows:

H.R. 1801

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antitrust Technical Corrections Act of 1999''.

SEC. 2. AMENDMENTS.

(a) ACT OF MARCH 3, 1913.—The Act of March 3, 1913 (chapter 114, 37 Stat. 731; 15 U.S.C. 30) is repealed.

(b) PANAMA CANAL ACT.— Section 11 of the Panama Canal Act (37 Stat. 566; 15 U.S.C. 31) is amended by striking the undesignated paragraph that begins ''No vessel permitted''.

(c) SHERMAN ACT.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.'', and

(2) by adding at the end the following:

''(b) Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce in any Territory of the United States or of the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia, and any State or States or foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.''.

(d) WILSON TARIFF ACT.—

(1) TECHNICAL AMENDMENT.—The Wilson Tariff Act (28 Stat. 570; 15 U.S.C. 8 et seq.) is amended—

(A) by striking section 77, and

(B) in section 78—

(i) by striking ''76, and 77'' and inserting ''and 76'', and

(ii) by redesignating such section as section 77.

(2) CONFORMING AMENDMENTS TO OTHER LAWS.—

(A) CLAYTON ACT.—Subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) is amended by striking ''seventy-seven'' and inserting ''seventy-six''.

(B) FEDERAL TRADE COMMISSION ACT.—Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking ''77'' and inserting ''76''.

(C) PACKERS AND STOCKYARDS ACT, 1921.—Section 405(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 225(a)) is amended by striking ''77'' and inserting ''76''.

(D) ATOMIC ENERGY ACT OF 1954.—Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking ''seventy-seven'' and inserting ''seventy-six''.

(E) DEEP SEABED HARD MINERAL RESOURCES ACT.—Section 103(d)(7) of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1413(d)(7)) is amended by striking ''77'' and inserting ''76''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION TO CASES.—(1) Section 2(a) shall apply to cases pending on or after the date of the enactment of this Act.

(2) The amendments made by subsections (b), (c), and (d) of section 2 shall apply only with respect to cases commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1801.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1801, the ''Antitrust Technical Corrections Act of 1999,'' which I have introduced with the gentleman from Michigan (Mr. CONYERS), the ranking member.

H.R. 1801 makes four separate technical corrections to our antitrust laws. Three of these corrections repeal outdated provisions of the law, the requirement that depositions in antitrust cases brought by the Government be taken in public; the prohibition on violators of the antitrust laws passing through the Panama Canal; and a redundant and rarely used jurisdiction and venue provision.

The last one clarifies a long existing ambiguity regarding the application of Section 2 of the Sherman Act to the District of Columbia and the territories.

The committee has informally consulted the antitrust enforcement agencies, the Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, and the agencies have indicated they do not object to any of these changes.

In response to written questions following the committee's November 5, 1997, oversight hearing on the antitrust enforcement agencies, the Department of Justice recommended two of the repeals and the clarification contained in this bill. The other repeal was recommended to the committee by House Legislative Counsel. In addition, the Antitrust Section of the American Bar Association supports the bill.

Mr. Speaker, I include their comments for the RECORD at this point.

COMMENTS ON THE ''ANTITRUST TECHNICAL CORRECTIONS ACT OF 1999'' (H.R. 1801) BY THE SECTION OF ANTITRUST LAW OF THE AMERICAN BAR ASSOCIATION

The Antitrust Technical Corrections Act of 1999 (HR 1801) would bring minor but useful revisions to several provisions of the antitrust laws. The Section of Antitrust Law (''Antitrust Section'') of the American Bar

Association (''ABA'') believes that the amendments contemplated in this bill would improve the administration and enforcement of the laws. These views are presented on behalf of the Antitrust Section and have not been approved by the ABA House of Delegates or the ABA Board of Governors and, thus, should not be construed as representing the position of the ABA.

1. CONTENTS OF H.R. 1801

1. Repeal of the Publicity in Taking Evidence Act of 1913 regarding public depositions for use in suits in equity (15 U.S.C. §30).

2. Repeal of the provision of the Panama Canal Act which bars the use of Panama Canal to violators of antitrust laws (15 U.S.C. §31).

3. Addition to 15 U.S.C. §3 to include prohibitions for restraints of trade in and among the Territories of the United States and the District of Columbia.

4. Technical amendments to the Wilson Tariff Act (28 Stat. 570).

2. THE ANTITRUST SECTION OF THE ABA SUPPORTS H.R. 1801

1. Repeal of the Publicity in Taking Evidence Act of 1913 (15 U.S.C. 30).

The publicity in Taking Evidence Act of 1913, 15 U.S.C. §30, requires public depositions in any suit in equity by the United States under the Sherman Act. In most actions under the antitrust laws, judges have discretion to control public access, and option that can be essential in high profile proceedings. Uncontrolled access increases the potential for discovery proceedings devolving into a circus atmosphere. Unexpected or unmanageable crowds seeking to attend a deposition can cause it to be moved, delayed, or altered in a manner that disrupts the discovery phase of a proceeding. The scheduling of such depositions is already difficult, and the cases in which they occur may be on tight deadlines. Section 30 is an anachronism that removes the ability of a judge to control public access to depositions in cases where such cases could be detrimental to the orderly conduct of a case.[1]

There is no reason why one type of action brought by the U.S. should have a special rule for the taking of depositions, especially when that rule is likely to be invoked in situations that would cause disruption and delay. There does not appear to be any compelling interest in forcing depositions in equity cases to be open to any and all audiences, since the Federal Rules of Civil Procedures (see Rules 43(a) and 77(b)) already insure that the public has access to civil antitrust trials. The Antitrust Section believes the issue of public access to depositions ought to remain a matter for the presiding judge to determine. Therefore, it supports the repeal of this antiquated law.

2. Repeal of antitrust provisions of the Panama Canal Act (15 U.S.C. §31)

Pursuant to 15 U.S.C. §31, the Panama Canal is closed to violators of the antitrust laws. Specifically, no vessel owned by any individual or company that is violating the antitrust laws may pass through the canal. Setting aside the ambiguity of the language of this law, any penalty it imposes is in addition to the sanctions available under the Sherman and Clayton Acts. Specifically, criminal violations of the Sherman Act are felonies that are punishable by fines up to $10,000,000 for corporations, or $350,000 for individuals, and/or imprisonment for up to 3 years. Fines of much larger amounts are authorized where profit or injury exceeds $10,000,000.[2] Moreover, pursuant to 15 U.S.C. §6, violators of section one of the Sherman Act are also subject to asset forfeiture. Additionally, section four of the Clayton Act provides treble damages for successful private antitrust claims. Further, section 16 of the Clayton Act allows for injunctive relief.

The Antitrust Section believes it is through the sanctions of the Sherman and Clayton Acts that the antitrust policy of deterrence will be most effectively advanced. There has been a great deal of debate in Congress, in the courts and in the agencies over the proper combination of injunctions, fines, forfeitures, and sentences to ensure competition and deter potential violators. The Panama Canal Act's provision dealing with antitrust penalties is at best unnecessary. At worst it could encourage ill-considered interference with international completion of the foreign relations of the United States.[3] Therefore, the Antitrust Section supports the repeal of this provision.

3. Addition to 15 U.S.C. §3

HR 1801 clarifies that the antitrust laws encompass the District of Columbia and the territories of the United States by adding to 15 U.S.C. §3[4] the following language as section 3(B):

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the Territories of the United States and the District of Columbia, or between any of the several States and any Territory of the United States or the District of Columbia, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishment, in the discretion of the court.[5]

Current section 3 (to become 3(a) under the amendment) already covers trade between the District or any Territory and the states or foreign countries. The failure of section 3 to address trade among the Territories and the District simply invites arguments that such circumstances remain outside the reach of the antitrust laws. No good reason has been offered for the failure, and the Section is aware of none. Further, current section 3 uses the terms of section 1 (generally applicable to conspiracies), but not section 2 (applicable to monopolization).[6] Consequently, the new language clarifies that conduct prohibited by section 2 is covered in Washington, D.C. and United States territories. The Antitrust Section supports this correction.

However, it should be noted that as it stands section 2(c) of the bill refers to the wrong section of the United States Code. The correct section to be amended appears to be 15 U.S.C. §3 (not 15 U.S.C. §2 as noted in the bill). The Antitrust Section suggests correcting this minor discrepancy in the bill.

4. Technical amendments to the Wilson Tariff Act (28 Stat. 570).

Section 77 of the Wilson Tariff Act of 1894 gives antitrust jurisdiction to any ''circuit court of the United States in the district in which the defendant resides or is found.''[7] This section was never codified in the United States Code.

Section 77 is an antiquated piece of legislation that may confuse those that come across it. It is an anomaly to the traditional jurisdiction of federal district courts in construing claims sounding in antitrust law. The jurisdictional provisions of the United States Code vest jurisdiction over cases arising under the antitrust laws in the United States District Courts. A provision allocating jurisdiction of similar cases in different courts can only complicate proceedings and impede the effective administration of antitrust law. By deleting this section, Congress would preserve the general jurisdictional provisions pertaining to the antitrust laws, and would prevent confusion that this section of the Tariff Act may create. Therefore, the Antitrust Section supports this technical amendment.

3. CONCLUSION

HR 1801 is a helpful piece of legislation that helps clarify and update the antitrust laws. The Antitrust Section of the ABA supports the changes contemplated in HR 1801.

Mr. Speaker, I believe all these provisions are noncontroversial and they will help clean up some underbrush in the antitrust laws. I recommend that the House suspend the rules and pass the bill, as amended by the managers' amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1801, the ''Antitrust Technical Corrections Act,'' makes four noncontroversial changes in our antitrust laws to repeal some outdated provisions of the law and to clarify that our antitrust laws apply to the District of Columbia and to the territories.

The gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS) have worked together on this bill and they have consulted with the Department of Justice

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[1] *See* U.S. v. Microsoft, 165 F.3d 952, 953 (D.C. Cir. 1999).

[2] See U.S. v. F. Hoffman-LaRoche LTV, Crim. No. 99–CR–184–R (N.D. Tex May 20, 1999). Hoffman-La Roche agreed to pay $500,000,000 in fines for involvement in a vitamin price-fixing conspiracy.

[3] Especially, in view of the fact that control over the Canal reverts to Panama on January 1, 2000, the United States code should not contain provisions such as these.

[4] Currently, U.S.C §3 prohibits restraints for trade in and among the District Columbia, United States Territories, and other states. The penalties are the same as those set out in section one of the Sherman Act (15 U.S.C. 1).

[5] Compare with section 2 of the Sherman Act (15 U.S.C. §2): Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishment, in the discretion of the court.

[6] Section 3 currently reads: Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or both said punishments in the discretion of the court. 15 U.S.C.A. §3 (1890).

[7] Wilson Tariff Act. ch. 349, 28 Stat. 509 (Aug. 27, 1894). In its entirety, section 77 reads: That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this Act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee. *Id.*

Antitrust Division and the Federal Trade Commission Bureau of Competition to ensure these technical changes improve the efficiency of our antitrust laws.

The first change will permit depositions taken in Sherman Act equity cases brought by the Government, to be conducted in private, just as they are in all other types of cases.

In the early days of the Sherman Act, the courts conducted such cases by deposition without any formal trial proceeding. Now that the trials are conducted in public, it is no longer necessary to hold the depositions in public.

The problem with having public depositions became clear during the deposition of Bill Gates during the Microsoft antitrust case. The public deposition created a circus atmosphere, and the D.C. Circuit Court invited Congress to repeal this law. With this change, antitrust depositions will be treated like those in all other cases.

The second change repeals a little-known and little-used provision that prohibits vessels from passing into the Panama Canal if the vessel's owner is violating the antitrust laws. With the return of the Canal to Panama at the end of 1999, it is appropriate to repeal this outdated provision.

The third change clarifies that Sherman Act's prohibitions on restraint of trade and monopolization apply to conduct occurring in the District of Columbia and the various territories of the United States. We believe that it was always Congress' intent for the Sherman Act to apply in the District and the territories, and this amendment merely clarifies the scope of our antitrust laws. However, because this clarification could affect the standards of rights of litigants under pending cases, and to avoid changing the rules in the middle of litigation, this provision will only apply to cases filed on or after the enactment date of this act.

Finally, this bill repeals a redundant jurisdiction and venue provision in Section 77 of the Wilson Tariff Act. Repealing Section 77 will not diminish any jurisdiction of venue rights of litigants because Section 4 of the Clayton Act provides any potential plaintiff with broader rights of jurisdiction and venue than does Section 77.

There is also a manager's amendment that clarifies some technical aspects of H.R. 1801. I recommend that the manager's amendment be adopted and that H.R. 1801 be approved, as amended. With these changes, our antitrust laws will be more clear, consistent, and efficient.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have the honor of yielding 5 minutes to the distinguished gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank the gentlewoman for yielding me the time.

Mr. Speaker, I would like to begin by stating that I fully support the legislation. I also appreciate the attention to the antitrust activities that has been given by the Committee on the Judiciary in the last month.

The gentleman from Illinois (Chairman HYDE) scheduled hearings on concentration in the agricultural sector and problems of slotting fees in retailing. I had an opportunity to testify at that hearing. What I would like to do is to urge my colleagues to join me and several other Members of this body in focusing attention on what is happening in our economy.

Here in the late 1990s, we have seen an increasing pace in consolidations and mergers in our economy. The level of concentration is growing dramatically. It is continuing a trend that has existed perhaps for several decades, and it is a trend that has some alarming implications. Namely, what type of a competitive marketplace do we as Americans need in order for our economy to continue to be innovative, to continue to be successful, and to continue to thrive and provide leadership in a global economy?

Secondly, what type of concentration can we have in this economy and still have those that deal with the bottlenecks that are created by this concentration treated fairly?

I would like to turn my attention to agriculture in particular. When we look at the ag sector of our economy and recognize that a handful of firms control meat packing, control movement of grain, control seed stock and other supplies that farmers use that are now entering into contracts with farmers to purchase seed, to grow crops based on that seed, and to deliver the crops for more specific uses based upon the genetic character of those seed, we recognize that farmers are increasingly becoming contractors in our economy and they are increasingly dependent upon those contracts for their survival.

Each stage of the process is one that is carefully monitored by larger firms. And as they see the opportunity to capture profit in this process, the farmer's opportunity to survive in our economy is diminished.

It is for this reason that I have joined with my colleague the gentleman from North Dakota (Mr. POMEROY) and my colleague the gentlewoman from Wisconsin (Ms. BALDWIN) to introduce legislation that would impose a moratorium on mergers and consolidations in the ag-tech sector and order an 18-month study of this with recommendations to Congress as to appropriate legislative response.

I will also be dropping legislation within the next few days that will provide farmers in the hog sector with some degree of protection from the vertical integration that has such a devastating impact on their opportunity to continue to raise hogs independently.

What we saw in the poultry sector of agriculture 20 years ago is now happening with hogs. It is estimated that 75 percent of the hogs in this country are marketed pursuant to contracts, not into an open market setting. As we lose the smaller farming operations and the opportunity for farmers to raise hogs, we are losing one of the profit centers that has existed in agriculture.

The word has always been that hogs are the mortgage lifters on the farm. They are the dependable source of income and profit that enable farmers to pay off the mortgages. And without that opportunity, the diversification that is so important in agriculture is lost.

So I would like to urge that my colleagues recognize the seriousness of the problem that we face in the ag sector and that we join together as an institution on a bipartisan basis on behalf of America's farmers to ensure that they continue to have the opportunity to earn a living and be an important part of the rural economy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Minnesota for bringing this instructive insight to this discussion.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 1801 which makes technical corrections in various antitrust laws and to the references of such laws. I thank Chairman HYDE and the Ranking Democrat, Mr. CONYERS, for the work they did on this legislation to ensure the protection of American consumers. I would like to recognize that this legislation, which among other things, clarifies the application of the Sherman Act to the U.S. Territories, is supported by my fellow colleagues from the U.S. Virgin Islands, American Samoa, the District of Columbia, and Puerto Rico.

The challenges faced by U.S. Territories are multi-faceted. In many respects, our relationship with the United States stems from the benefits we provide based on our geography. This benefit which helped us become a part of the American family can also be a disadvantage for the development of our economies. Save for Puerto Rico and the District of Columbia, Guam is the next most populated territory with 150,000 citizens. We are also coincidentally the furthest territory from the U.S. mainland.

Our population and remoteness has proved challenging in the development of our economy. We have worked to develop a top-notch tourism industry and encourage entrepreneurship amongst our residents. Our focus to ensure a healthy tourism industry has resulted in the construction of world class hotels, such as the Hilton, the Nikko Hotel, and the Hyatt. Our success in fostering at least 1.3 million tourists a year has caught the attention of many well-known U.S. based companies, who have established themselves on Guam. Major retailers like K-mart and Costco, trendy restaurants like Hard Rock Café and Planet Hollywood, and numerous fast food restaurants have found a profitable and competitive home in Guam.

Like many other communities in the U.S. with a similar population to Guam, there is a potential for sectors in an industry to monopolize the needs of a community. It's an extremely complex endeavor to prove, that a company is illegally monopolizing an industry,

but it's a topic that is inevitably posed to small communities. H.R. 1801 clarifies that small communities, like the U.S. Territories, will not be the subject of monopolization and imposes hefty penalties for companies or individuals found engaged in such business activities. This is good legislation and good protection for consumers, small businesses and entrepreneurs.

Again, I thank Chairman HYDE for introducing this legislation and encourage my colleagues to support this measure.

Mr. JACKSON-LEE of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1801, as amended.

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

A motion to reconsider was laid on the table.

□ 1600

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intent to present a question of privilege of the House.

The form of the resolution is as follows:

Calling on the President to abstain from renegotiating international agreements governing antidumping and countervailing measures.

Whereas under Art. I, Section 8 of the Constitution, the Congress has power and responsibility with regard to foreign commerce and the conduct of international trade negotiations;

Whereas the House of Representatives is deeply concerned, that in connection with the World Trade Organization (''WTO'') Ministerial meeting to be held in Seattle, Washington, and the multilateral trade negotiations expected to follow, few countries are seeking to circumvent the agreed list of negotiations topics and reopen debate over the WTO's antidumping and antisubsidy rules;

Whereas the built-in agenda for future WTO negotiations, which was set out in the Uruguay Round package ratified by Congress in 1994, includes agriculture trade, services trade, and intellectual property protection but does not include antidumping or antisubsidy rules;

Whereas the Congress has not approved new negotiations on antidumping or antisubsidy rules and has clearly, but so far informally, signaled its opposition to such negotiations;

Whereas strong antidumping and antisubsidy rules are a cornerstone of the liberal trade policy of the United States and are essential to the health of the manufacturing and farm sectors in the United States;

Whereas it has long been and remains the policy of the United States to support its antidumping and antisubsidy laws and to defend those laws in international negotiations;

Whereas an important part of Congress' participation in the formulation of trade policy is the enactment of official negotiating objectives against which completed agreements can be measured when presented for ratification;

Whereas the current absence of official negotiating objectives on the statute books must not be allowed to undermine the Congress' constitutional role in charting the direction of United State trade policy;

Whereas the WTO antidumping and antisubsidy rules concluded in the Uruguay Round have scarcely been tested since they entered into effect and certainly have not proved defective:

Whereas opening these rules to renegotiation could only lead to weakening them, which would in turn lead to even greater abuse of the world's open markets, particularly that of the United States;

Whereas conversely, avoiding another divisive fight over these rules is the best way to promote progress on the other, far more important, issues facing WTO members; and

Whereas it is therefore essential that negotiations on these antidumping and antisubsidy matters not be reopened under the auspices of the WTO or otherwise: Now, therefore, be it

Resolved, That the House of Representatives calls upon the President—

(1) not to participate in any international negotiation in which antidumping or antisubsidy rules are part of the negotiating agenda;

(2) to refrain from submitting for congressional approval agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States; and

(3) to enforce the antidumping and countervailing duty law vigorously in all pending and future cases.

The SPEAKER pro tempore (Mr. LAHOOD). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

The gentleman will be notified.

NURSING RELIEF FOR DISADVANTAGED AREAS ACT OF 1999

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 441) to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

The Clerk read as follows:

Senate Amendment:

Page 18, after line 5, insert:

SEC. 5. NATIONAL INTEREST WAIVERS OF JOB OFFER REQUIREMENTS FOR ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.

Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

''(B) WAIVER OF JOB OFFER.—

''(i) NATIONAL INTEREST WAIVER.—Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

''(ii) PHYSICIANS WORKING IN SHORTAGE AREAS OR VETERANS FACILITIES.—

''(I) IN GENERAL.—The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

''(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

''(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

''(II) PROHIBITION.—No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

''(III) STATUTORY CONSTRUCTION.—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

''(IV) EFFECTIVE DATE.—The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under section 204(b) or the status of the alien is adjusted to permanent resident under section 245.''.

SEC. 6. FURTHER CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING FIRMS.

Section 206(a) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

''(a) CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS.—In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act, and for no other purpose, in the case of a partnership that is organized in the United States to provide accounting or management consulting services and that markets its accounting or management consulting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected members