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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 5, 2000.

I hereby appoint the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Jim Fisher, Chaplain, U.S. Coast Guard, Washington, DC, offered the following prayer:

''Oh beautiful for heroes proved, in liberating strife,

''Who more than self their country loved, and mercy more than life!

''America! America! May God thy gold refine,

''Till all success be nobleness, and every gain divine!''

El-Shaddai, Almighty God of many heroes, present and past,

The manifestation of human strife may appear today in this sacred Hall. Challenges may be offered, retorts may be heard. For petty angers and egos, forgive, O Lord.

Cast upon each member of this noble assembly, each a hero of our homeland, the radiant countenance of Your Holy Face. Cause every member here to reflect anew upon their deep and abiding love for our Nation, and every inhabitant thereof.

May their unity and commitment become a source of inspiration for this divine dream we call America. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PHELPS 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.

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 2077, SEQUOIA ECOSYSTEM AND RECREATION PRESERVE ACT OF 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2077, a bill originally introduced by Representative Brown of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes per side.

CHAPLAIN JAMES R. FISHER

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

Mr. PHELPS. Mr. Speaker, I rise today to give thanks and recognize Chaplain James R. Fisher of the United States Coast Guard, who has just delivered the opening prayer this morning in the United States House of Representatives.

I would first like to thank Chaplain Coughlin of the House for extending this prestigious invitation to Chaplain Fisher. Chaplain Fisher is a resident of Mt. Carmel, Illinois, which is in my district, and was the son of a United States Air Force career officer.

Chaplain Fisher received his bachelor's degree from Virginia Tech and went on to attend North Park Seminary in Chicago and Yale Divinity School in Connecticut for his religious education.

In 1983 he was ordained in the Evangelical Covenant Church in Chicago, Illinois. He also served as a missionary in the Yupik Eskimo Village of Mountain Village, Alaska.

Chaplain Fisher has a long and distinguished Naval career. He was commissioned in 1983 and has served on the U.S.S *Suribachi* and the U.S.S. *Essex*; been stationed at the Marine Corps base at Camp Pendleton of California; Naval Air Station in Sigonella, Sicily, in Italy; and is currently the deputy chaplain of the Coast Guard in Washington, DC.

Throughout his service in the Navy and Coast Guard, he has received many awards too numerous to mention in these remarks.

Chaplain Fisher's proudest accomplishment, though, has been his marriage to Lori Christian since 1977 and the three sons they share, Jacob, Caleb and Josiah.

Mr. Speaker, it has been my pleasure to introduce Chaplain Fisher, and I am very honored to do so.

TRIBUTE TO 2000 CENTRAL CABARRUS HIGH SCHOOL BASKETBALL TEAM

(Mr. HAYES asked and was given permission to address the House for 1

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minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student athletes from Concord in North Carolina's eighth district.

Several weeks ago, the Central Cabarrus High School men's basketball team completed a truly amazing season by winning the North Carolina High School 3A Basketball Championship.

The Vikings successfully completed the near impossible, defeating favored Greensboro Dudley. Led by seniors Mickey Mickens, David Hardy, Clayton Russell, Dough Naumann, and sophomore Nathan Cranford, Coach Scott Brewer's Vikings stepped up to the challenge.

These players are not only winning on the basketball court, they are also excelling in the classroom. Eight of the players' grade point averages are over 4.0 and the team's average is 3.71. Clearly, these young men excel in the classroom as well as on the basketball court.

Mr. Speaker, I would like to congratulate the students, teachers, parents, head coach Scott Brewer, his assistant coaches, and the 2000 North Carolina State 3A basketball champions, the Central Cabarrus High School Vikings.

This is a tribute to their entire school and their team work.

HELP BRING OUR CHILDREN HOME BY PASSING H. CON. RES. 298

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell the House about Joseph Cook and his children Daniel and Michelle. Their story is one of the most heartwrenching I have ever heard. In 1992, Joseph's ex-wife took his children to Germany on what was supposed to be a brief visit. Shortly after they left, he was told by Christiane that she was not coming back and that he would not see his children again. Christiane had been suffering from depression, had checked herself into a clinic, and placed Daniel and Michelle into the German foster care system. The German foster care system made no attempt to contact Joseph.

In 1993, Christiane returned to the United States but left Danny and Michelle in German foster care. Mr. Cook went to Germany with a full custody order in 1994, but the German courts have refused to return his children and the foster family has been extremely uncooperative.

Mr. Speaker, Danny and Michelle are being left to languish in a foster care system when they have a father who loves them and desperately wants to be with them.

Joseph Cook served in the United States Army, and I am urging this House to serve him in return. Pass H. Con. Res. 298 and help bring our children home.

FOUNDATION FIGHTING BLINDNESS MAKES CONGRESS AWARE OF EYE DISEASES

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

Ms. ROS-LEHTINEN. Mr. Speaker, representatives from the Foundation Fighting Blindness are visiting congressional offices this week to discuss the importance of funding research initiatives at the National Eye Institute.

This week my colleagues received a set of paper glasses which may help them to understand what individuals suffering from retinitis pigmentosa and macular degeneration see.

Isaac, Daria and Ilana Lidsky, young adults from my congressional district, are among the over 6 million Americans who suffer from these retinal degenerative diseases. Another 9 million Americans have pre-symptomatic signs of retinal degeneration and as the baby-boomer generation ages, diseases such as these are poised to skyrocket.

Promising experiments have already been discovered in retinal transplantation and in gene and pharmaceutical therapies. However, additional funding for the National Eye Institute is urgently needed to advance these promising treatments to clinical trials.

I urge my colleagues to consider how life is viewed through the eyes of those going blind and to consider an increase to the National Eye Institute at a percentage higher or equal to the other institutes of the National Institutes of Health.

FOURTH ANNUAL U.S./MEXICO BORDER CONFERENCE

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

Mr. REYES. Mr. Speaker, today and tomorrow I, along with my colleagues that represent districts along the border, are cohosting the Fourth Annual U.S./Mexico Border Conference. Each year we bring together leaders on both sides of the U.S./Mexico border to look at the problems that exist along our border, to develop solutions, and to convey these solutions to policymakers of our Nation.

The border today looks much how the rest of the Nation will look in 20 years. We are a young, growing, dynamic population that is facing problems and experiencing unique issues that perhaps the rest of the Nation needs to focus on.

If our problems are not addressed now in the border region, we run the risk of impacting the entire Nation as well as affecting the critical tourism and trade relationship between the United States and Mexico.

At the conference, we are focusing on four major areas: education and the workforce, health and environment, economic development and infrastructure, and border security.

I urge my colleagues to join me and our other colleagues in learning more about the border and provide the direction and leadership that is needed.

SELF-DETERMINATION FOR THE PEOPLE OF WESTERN SAHARA

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

Mr. PITTS. Mr. Speaker, I rise today out of concern over reports that the United Nations may decide not to hold the referendum for self-determination for the people of Western Sahara.

Article 1 of the International Covenant on Civil and Political Rights states that, quote, ''All peoples have the right to self-determination,'' end quote. Both sides, Morocco and Western Sahara, in the U.N. Settlement Plan and Houston Agreement, agreed to self-determination for the Sahrawi people.

The U.N. has spent approximately $500 million on peacekeeping in the settlement plan over 10 years and $30 million on humanitarian aid in the same time period. It would be a shame, no a disgrace, to waste $530 million.

The credibility of the United Nations and the United States would be further eroded if they are willing to give up on the stalled agreements. The U.N. should remain committed to the peace agreement.

Mr. Speaker, the people of Western Sahara deserve the same respect and support of the people of East Timor or any other country. A free, fair, and transparent referendum must go forward.

ONLY IN AMERICA, ONLY IN AMERICA

(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, today Congress will debate two bills. The first bill is partial birth abortions. The second bill is wildlife and sport fish restoration.

Unbelievable. Kill the babies but save the trout and the tit mouse. Beam me up. In fact, beam me up, Scotty.

See, I believe that Congress and America can and should save both the babies and the wildlife. Think about it.

I yield back an old street saying: Only in America, Mr. Speaker.

THE CLINTON ADMINISTRATION MUST ENFORCE THE LAWS ON ILLEGAL OBSCENITY AND PORNOGRAPHY

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

Mr. GARY MILLER of California. Mr. Speaker, we have a grave problem in our country today: illegal pornography and obscenity. It is rampant in our society. It is readily available to all our children on the Internet, and the health and safety of our children are at risk.

Under the Reagan and Bush administrations, the Department of Justice successfully and aggressively prosecuted illegal pornographers. They rarely lost any of the hundreds of cases brought to court. In one 2-year span, they successfully prosecuted over 200 obscenity cases.

Since President Clinton took office, prosecution of illegal pornographers and obscenity has all but ceased. Prosecutions are down 75 percent.

In 1997, there were only 6 prosecutions of illegal pornographers by all 93 U.S. attorneys. In March 1998, the Adult Video News Magazine, the trade magazine for the porn industry, announced it is a great time to be an adult retailer.

This lack of prosecution has sent a clear message to the makers of illegal pornography and illegal obscenity that it is okay to make and distribute such material. Under the Clinton administration they will not even be prosecuted for their crimes.

It is time for the Clinton administration to get to work and enforce existing anti-obscenity laws.

□ 1015

BREAST AND CERVICAL TREATMENT ACT COMING TO THE FLOOR BEFORE MOTHER'S DAY

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

Mrs. CAPPS. Mr. Speaker, it has been a full 5 months since the Breast and Cervical Treatment Act was passed unanimously out of the Committee on Commerce. This life-saving bill currently has 289 cosponsors and enjoys strong bipartisan support.

Mother's Day is approaching. What better gift for mothers and grandmothers around this country than to provide treatment for breast and cervical cancer to underserved women?

I learned today that the House leadership has agreed to move H.R. 1070 before Mother's Day. I applaud this decision and urge the Speaker to bring a clean bill to the floor for a vote.

How much longer must the mothers of this Nation wait?

SUPPORT PASSAGE OF PNTR FOR CHINA

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

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of granting Permanent Normal Trade Relations to China, so-called PNTR.

Some would have us believe that, by supporting China's session to the WTO, and by granting China PNTR, we will be sending jobs overseas. This is simply not true.

On the contrary, granting China PNTR will allow us to take full advantage of the bilateral agreement signed last November and drastically reduce the Chinese barriers to trade. As a result of increased opportunities to export, American businesses can only expand, creating new jobs of every kind, from unionized jobs to export control jobs.

With expanded exports, companies will grow, making them able to offer greater benefits to existing workers, not get rid of them.

I urge my colleagues to support PNTR for China on behalf of American workers, farmers, and businesses.

STOP TUBERCULOSIS NOW ACT

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

Mr. BROWN of Ohio. Mr. Speaker, the gentlewoman from Maryland (Mrs. MORELLA) and I have introduced the Stop Tuberculosis Now Act. The legislation proposes to amend the Foreign Assistance Act. It authorizes $100 million appropriation to USAID for the purposes of diagnosing TB in high incidence countries.

TB is one of the greatest infectious killers of adults worldwide, killing 2 million people per year, killing more people last year than any year in world history. Thirteen hundred Indians, for example, die every day from tuberculosis. It is the biggest killer of young women and the biggest killer of people with HIV/AIDS in the world.

The World Health Organization estimates that one-third of the world's population is infected with the bacteria that causes TB including at least 10 million individuals in the United States. Eight million people around the world will develop active TB each year. TB is spreading as a result of inadequate treatment, and it is a disease that certainly knows no national boundaries.

We have a remarkably cost effective strategy for TB control, DOTS, the Directly Observed Treatment Short course, that uses inexpensive drugs at a cost of as little as $15 per person in developing countries. The strategy is only reaching one person in five. The question is not a medical one, it is a political one.

REPUBLICANS ARE REINVENTING GOVERNMENT

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

Mr. HEFLEY. Mr. Speaker, the Clinton-Gore administration talked about reinventing government, but the Republican Congress is actually doing it.

For example, Federal laws prohibit convicted criminals from receiving supplemental security income. However, for years, the Social Security Administration relied on convicted prisoners to notify them of their ineligibility for SSI benefits. Not surprisingly, hundreds of prisoners convicted of robbery, rape, and assault continue to receive welfare benefits while in jail, courtesy of the American taxpayer.

Perhaps the worst example of this fraud and abuse, California's ''freeway killer,'' William Bonin, responsible for killing more than 44 people, received $80,000 in fraudulent SSI payments while on death row.

In response, Republicans developed and passed a solution to this problem. As a result, taxpayers today will save over $3 billion.

GUN SAFETY

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

Ms. CARSON. Mr. Speaker, every day across this country, our children are dying due to gun violence. Yet, Congress has failed to stop the killing and protect our children.

Over 2 weeks ago, the House went on record in support of the juvenile justice conference committee holding a meeting within 2 weeks. Their deadline has been ignored.

I am outraged that Congress has failed to move forward on gun safety legislation. How many more children have to die before we pass strong preventative child gun legislation?

My bill, H.R. 515, the Child Handgun Injury Prevention Act, which I introduced in the first session of this Congress, is a bill to prevent children from injuring themselves with handguns.

If enacted, this bill would require child-safety devices on handguns and establish standards and testing procedures for those devices. As of today, we have 76 cosponsors.

We cannot call ourselves ethical leaders when we stand by and do nothing while our children are being killed by gun violence. We have a moral responsibility to pass laws that protect our schools, our communities, and our families, a great act on our part prior to Mother's Day.

LAWS DO NOT MAKE THE DIFFERENCE, ENFORCING CURRENT LAWS DO

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

Mr. HAYWORTH. Mr. Speaker, it is interesting as so many come to the well to try and make sense of the senseless. But it is extremely difficult to understand how we can undue senseless acts when current laws are not enforced. Penalizing law abiding Americans who freely exercise their rights under the Second Amendment does not improve anyone's safety.

Indeed, the tragedy in Michigan that so many of us mourn could not have been reversed by expecting a 19-year-old criminal to put a lock on a loaded gun in a shoe box, preventing a 6 year old from getting the gun.

Laws do not make the difference. Enforcing the current laws do. While we have an administration that refuses to enforce current laws and in some cases refuses to obey current laws, we have the crux of the problem confronting America.

IN MEMORY OF BEN RANDALL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have lost a very dear friend, and the Houston community has lost a dear friend, and as well Texas, and maybe even the Nation. Ben Randall, a community activist lost his life just about a week ago. I rise today to pay tribute to an individual who never said no to the community needs of Houston, Texas.

Energetic, creative, thoughtful, and caring was Ben Randall. He loved his family. He loved his two sons, outstanding as they are, leaders in their own right, academic geniuses. Ben Randall was always so proud.

He worked for Texas Southern University. He was a community relations activist, working for Enron. He worked for small businesses and tried to develop opportunities for minority businesses to do and have greater economic opportunities. He helped on issues of fund-raising for any charity one can imagine.

He loved his God. He loved his church, Windsor Village United Methodist Church. He was an activist there. He had prayer partners. He prayed for others.

Whenever there was an opportunity to share his values and his commitment to the greatness of this Nation, Ben Randall was there. He loved this country.

Mr. Speaker, I would simply say that, as we bury him and as we buried him in his hometown of San Antonio, the tears of those of us who lived in Houston continue to pour.

We memorialize him today on April 5 in Houston because so many friends could not make it to San Antonio, but they needed to honor him and say good-bye. It is right to pay tribute to him and to do it with love, and do it with respect.

I say farewell to my friend, Ben Randall. He may be gone, but he will be forever in our memories. We salute him for the great humanitarian efforts he made on behalf of so many people. God bless him and God bless America.

TAX COUNTDOWN

(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, the countdown is on. The tax clock is ticking. The day the American workers dread the most, tax day, is only 10 days away.

April 15 looms on the calendar each year as an ominous reminder of the crushing burden of the current Federal Tax Code. While the IRS often stands behind closed doors, American working men and women struggle to keep pace with an out-of-control Federal agency.

Over the next 10 days, taxpayers across this country will spend sleepless nights and countless hours in an attempt to figure out exactly the correct amount of their hard-earned money and how much they must send to the Federal Government.

Heaven forbid the amount will be off even by a single cent and cause the taxpayers the horror of facing the unbridled wrath of an audit by the Internal Revenue Service.

Mr. Speaker, we must act now to enact comprehensive tax reform, giving our working families a fairer, flatter, and simpler tax without an IRS.

Mr. Speaker, I yield back our antiquated and oppressive tax system that continues to burden too many hard-working Americans every year.

BALANCED BUDGET PROVES REPUBLICAN CONGRESS IS SERIOUS ABOUT ITS PROMISE TO BALANCE BUDGET AND CONTROL DEFICIT SPENDING

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

Mr. BARTLETT of Maryland. Mr. Speaker, let me see if I have got this straight. I am supposed to be impressed that the government is not going to spend more money than it has. I am supposed to rejoice that the government is not going to make our $5 trillion national debt any worse. I am supposed to brag to my constituents that Washington is going to balance its budget.

Well, Mr. Speaker, by the standards of Washington, yes.

Balancing the budget should not be a big deal; it should not be treated as some great achievement. But I must say, after 30 years of expanding the welfare state every year, balancing the budget is no mean feat. Balancing the budget, which to me is only common sense, is an extraordinary thing in a town that has seen nothing but deficits since 1969.

This balanced budget is proof of two things. First, the Republican Congress is serious about its promise to balance the budget. Second, deficit spending does not have to be a way of life.

Now that is something to brag about.

CENSUS BUREAU SHOULD GET AWARD FOR BIGGEST GOVERNMENT SCREW UP

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

Mr. CHABOT. Mr. Speaker, if there were an award for the biggest government screw up of the year, the Census Bureau would win the award going away.

The Census Bureau, which has been planning the 2000 census for 10 years, now sent out 120 million pre-notification cards with the wrong address. That is right, Mr. Speaker, the wrong address. Most of us learned to address a letter by the time we left the third grade. I guess the folks at the Census Bureau were absent that day. This from the folks who want to use smoke and mirrors to adjust the final results of the census.

The American people know better, Mr. Speaker. The Census Bureau certainly has some explaining to do. If the Bureau cannot be trusted to address mail properly, how can we trust them with their risky statistical scheme.

GOVERNMENT NEEDS TO SPEND TAXPAYER MONEY WISELY

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

Mr. KINGSTON. Mr. Speaker, last year when the House proposed to Federal agencies that they cut out 1 cent of every dollar they spend, the Clinton administration screamed bloody murder. Cut out 1 cent from the Federal Government for every dollar we spend? There is no way. We are too efficient, too effective.

The Secretary of Interior said there is absolutely no waste in my department and yet went on to waste money after money.

Let me give my colleagues an example. The Social Security Administration sent out $3.3 billion in checks to people who were ineligible for it. Well, they might look there.

How about the rocket launchers? AL GORE is a big gun control advocate, but when one of the $1 million rocket launcher disappeared, there was no word from the administration. Now, that is scary enough, but then another one disappeared. Think about that. There are two rocket launchers at large somewhere in our society. Yet, the folks in the Gore-Clinton administration are telling us there is no waste in government.

Mr. Speaker, we have got to do a better job. We are not spending our money. Contrary to the government dogma that it is government money, it is not. It is taxpayer money. It is what people back home work real hard to send to us. We need to be fiduciaries of it. We need to spend it carefully.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. After passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 3660 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1692 and request a conference with the Senate thereon.

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The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 457 is a closed rule providing for consideration of H.R. 3660, the Partial Birth Abortion Ban Act of 2000. H. Res. 457 provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

House Resolution 457 provides that, after passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692, consider it in the House, and to move to strike all after the enacting clause and insert the text of H.R. 3660 as passed by the House.

The rule also waives all points of order against the motion to strike and insert. It provides that if the motion is adopted and the Senate bill as amended is passed, then it shall be in order that the House insist on its amendment and request a conference on the bill.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, I will not take time here to discuss the grizzly nature of this procedure at issue. Many of the other speakers today will address that. I would like to briefly note, however, that this rule allows the House to take this latest step in the ongoing saga of the effort to ban the dreadful partial-birth abortion procedure.

Legislation has passed this House by a veto-proof majority in the past two Congresses. The vote today will be the seventh time the issue has come before the House in the past 5 years. In fact, the bill we debate today has been adjusted from previous texts to account for the growing body of law dealing with partial-birth abortion.

While the President has prevented Congress from taking the action that the overwhelming majority of Americans support, the States have taken the lead on this issue. I urge my colleagues to stand today with the American people to preserve unborn life by supporting this rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, I oppose this closed rule. The majority claims to favor full and free debate on important issues; however, on this controversial bill, the majority has chosen to prohibit any amendments from being offered.

I must also voice my strong concerns with the bill made in order by this rule, H.R. 3660, the so-called Partial Birth Abortion Ban.

Once again we have anti-choice legislation on the House floor. Like most of us, my schedule as a Member of Congress is erratic, but each year I have discovered that one of the legislative constants is that the House leadership finds plenty of time to force consideration of anti-choice legislation. As the Washington Post noted this morning, and I quote, ''The measure is probably unconstitutional and certainly bad policy, but the House is to take it up today for the third time in 5 years.''

This legislation has been fast tracked through Congress, denied input from other Members of Congress or the benefit of the subcommittee and full committee markup. But what is most offensive about the timing of the legislation is not simply the lack of debate time, it is the fact that the legislation is breathing down the neck of an upcoming Supreme Court hearing on the constitutionality of Nebraska's abortion law and is a blatant attempt to try to influence the court.

The fundamental principles of Roe v. Wade already protect a viable fetus. Roe recognizes that the State has a compelling interest in the welfare of a fetus that can survive outside the womb. And none of us, none of us, approve late-term abortions, except in circumstances to save the life and health of the mother.

But under this ban, the fundamental principles of the Roe v. Wade decision are gutted. The Supreme Court has consistently held that a woman's life and health must be protected throughout pregnancy. And no advances in medicine yet have guaranteed a perfect pregnancy. Due to the lack of health exceptions in abortion bans, President Clinton has vetoed similar legislation time and time again, and this bill is no different. It makes no exception for protecting a mother's health.

Moreover, the language of the bill is so intentionally vague that both doctors and the courts have scoffed at it, asserting that this terminology could ban all procedures regardless of the viability thresholds guaranteed by Roe. In fact, it would make it a criminal offense for a physician to perform not just one particular procedure, but the safest and most common procedure in reproductive health care.

Even the American Medical Association, which originally supported this legislation, no longer does. And can we blame them? What is a doctor to do, faced with losing his or her livelihood and potential jail time? I can assure my colleagues that the primary concern of most physicians will not be protecting the health of the woman if their own livelihood is at stake. Why would they risk 2 years in prison and loss of their license when they could simply make a decision?

The proponents of this legislation would have us believe that this ban will prohibit one procedure used to perform only post-viability abortions; that is the point after which the fetus can live on its own. However, the bill is written so that it could ban safe abortion procedures used prior to fetal viability.

Mr. Speaker, in the circumstances of late abortions, in most all cases, these are fetuses who are either badly malformed or in a condition that really threatens the health of the mother. In most cases these babies are desperately wanted, and there is no other choice to be made. It is heartbreaking for parents to have to make this choice, but it is even more heartbreaking for them not to be allowed to because a legislative body has said no.

By introducing this ban in tandem with the critical Supreme Court case, and at the start of an election year, the proponents of the bill are not just chipping away at the right to choose, they are taking a jackhammer to it. The American people have told us time and time again that when faced with life and death decisions they want to confide in their doctor, their family, and whomever else they choose to consult, but they never say they would like to consult their local Congressperson.

Throughout the managed care debate, Congress has said to the people ''we promise to put medical decisions back into the hands of the patients and the doctors,'' and yet with this vote today that promise is turned on its head. Congress, like HMOs, will dictate life and health decisions for women, not their doctors, their families or spiritual advisers.

It is unconscionable for this Congress to place its political agenda ahead of a woman's ability to have access to safe and appropriate health care. Like any other patient, a woman deserves to receive the best care based on the circumstances of their particular situation.

Mr. Speaker, we will hear arguments from staunchly anti-choice members who may resort to inflammatory charts and graphic images to pledge their support of the ban. But we will also hear from Members who are deeply concerned about the legislation and the precedent it would set. So far as I know, this Congress, nor any previous Congress, has ever outlawed a medical procedure.

But at the end of the day, after all the political fights subside, we must ask ourselves one fundamental question: Do American women matter? As a Member of Congress, the mother of three daughters, and a long-time advocate of women's health, I strongly believe the health of women matters in America.

I urge my colleagues to vote ''no'' on the rule and no on the underlying bill.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Like many Americans, Mr. Speaker, I am greatly concerned about abortion. Abortion on demand is no doubt the most serious social political problem of our age. The lack of respect for life that permits abortion has significantly contributed to our violent culture and our careless attitude toward liberty.

As an obstetrician-gynecologist, I can assure my colleagues that the partial-birth abortion procedure is the most egregious legally permitted act known to man. Decaying social and moral attitudes decades ago set the stage for the accommodated Roe vs. Wade ruling that nationalizes all laws dealing with abortion. The fallacious privacy argument the Supreme Court used must some day be exposed for the fraud that it is.

Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are indeed on the slippery slope toward euthanasia and human experimentation. Although the real problem lies within the hearts and minds of the people, the legal problems of protecting life stems from the ill-advised Roe v. Wade ruling, a ruling that constitutionally should never have occurred.

The best solution, of course, is not now available to us. That would be a Supreme Court that would refuse to deal with the issues of violence, recognizing that for all such acts the Constitution defers to the States. It is constitutionally permitted to limit Federal courts jurisdiction in particular issues. Congress should do precisely that with regard to abortion. It would be a big help in returning this issue to the States.

H.R. 3660, unfortunately, takes a different approach, and one that is constitutionally flawed. Although H.R. 3660 is poorly written, it does serve as a vehicle to condemn the 1973 Supreme Court usurpation of State law that has legalized the horrible partial-birth abortion procedure.

Never in the Founders' wildest dreams would they have believed that one day the interstate commerce clause, written to permit free trade among the States, would be used to curtail an act that was entirely under State jurisdiction. There is no interstate activity in an abortion. If there were, that activity would not be prohibited but, rather, protected by the original intent of the interstate commerce clause.

The abuse of the general welfare clause and the interstate commerce laws clause is precisely the reason our Federal Government no longer conforms to the constitutional dictates but, instead, is out of control in its growth and scope. H.R. 3660 thus endorses the entire process which has so often been condemned by limited government advocates when used by the authoritarians as they constructed the welfare State.

We should be more serious and cautious when writing Federal law, even when seeking praise-worthy goals. H.R. 3660 could have been written more narrowly, within constitutional constraints, while emphasizing State responsibility, and still serve as an instrument for condemning the wicked partial-birth abortion procedure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I rise in very strong opposition to this rule and to the underlying bill.

Mr. Speaker, it is like Yogi Berra and deja vu all over again. It could be 1996, it could be 1998; but it is 2000. If anybody had forgotten that this was not an election year, because the presidential primaries have kind of waned, all they have to do is to look and see that this bill is up again and that it is being brought to the floor under a closed rule.

Now, my colleagues and my dear colleague from Florida, the sponsor of this bill, knows this bill is not going to become law this year. It is going to be vetoed by the President and then it is going to be sent back here later, and it will sit at the desk. And I would bet probably around September, or the middle of September, pretty close to the general elections in November, the leadership will decide to roll this bill out again. They will roll it out, and there will not be sufficient votes, certainly not in the other body and probably not in this body this year, to override the President's veto, but it will make for good press releases. Our friends at the NRCC will roll out some press releases on this, and it will be a political issue.

That is what this is really about. The fact is, if we really wanted to address the issue of late-term abortions, which I do and I think the vast majority of this House wants to do, then we would bring the Hoyer-Greenwood bill to the floor and debate it. Now, I know the gentleman from Florida has some problems with the Hoyer-Greenwood bill. Fair enough. Bring it to the floor under an open rule, and let us debate the issues.

This House, since its creation, has debated and written the laws of this Nation. But the Republican leadership has decided that only a few men in the leadership role can decide what the laws are; what is really important to the health of women or not. They are going to decide that rather than the whole House. But is that not what democracy is all about? Is that not the essence of the people's House, the House of Representatives; that we decide the laws, we debate the laws? Apparently, that is not the essence of the Republican leadership.

□ 1045

Mr. LINDER. Mr. Speaker, I am pleased 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. Speaker, I thank the gentleman for yielding me the time. I rise to support the rule, and I also support the bill.

I want to describe for the House again what this procedure is. A doctor artificially dilates the cervix, creating an opening that is of adequate size for the baby's delivery. Then the doctor, guided by an ultrasound device, takes hold of one of the baby's legs with a forceps. Then that leg is pulled into the birth canal and is fully delivered.

Then the other leg is accessed and it is delivered, followed by the baby's entire body, everything except the head. We would commonly refer to this as a breech delivery.

The doctor then uses one hand to trace up the spine of the baby up to the base of the baby's skull. And then with a Metzenbaum scissors, the doctor penetrates the base of that skull with those scissors and spreads the scissors open to create a passage large enough for a suction catheter to be inserted into the skull. And then the baby's brains are extracted with the suction device, and that causes the skull to collapse. At that point, the baby dies. And then the baby is fully delivered. The placenta is subsequently delivered, and all the remains are then discarded as medical waste.

The AMA, Mr. Speaker, says that this is not good medicine. Dr. Koop,

former surgeon general, says this is never medically necessary. Everybody in this room knows that this is wrong, that it is not legally and it is not morally defensible. The way for us to end it is to vote for this rule and to vote for this bill today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, I entered this body in 1995 with enormous hopes and aspirations for this Congress meeting up to its mission and its obligations and its high constitutional calling. And that is, of course, that it includes the protection of the American people at the highest levels.

As a freshman, I wanted to do good and still offer myself for that purpose. It was interesting that was called the Gingrich revolution. We came in under the auspices of what many have called the Contract on America.

I remember my colleague, Pat Schroeder, introduced me to the high calling again on the Committee on the Judiciary and its importance. I am reminded as I go to elementary schools, in indicating that I am on the Committee on the Judiciary, the eyes are sparkling as I speak about the Constitution.

But here we stand again, Mr. Speaker, again not calling on those high values and respecting the constitutionality of our responsibility, but yet, in many instances, although I respect those who have come to the floor to support this legislation, taking legislation that ultimately has been noted as having unconstitutional aspects of it and again and again bringing it to the floor of the House.

I remember those first years when we listened to the voices of women who cried out to us not to have this legislation and indicated that the medical procedure that they had to ultimately give consent for to their physician and to make sure that they either lived or that they would have the opportunity to procreate in the future, it was a highly personal decision, it was one they wished they could not make. And yet we bring to the floor legislation that holds a physician criminal.

In the Committee on Rules yesterday, no one would simply provide for an amendment that I had offered that simply clarified that the woman, in essence the victim, would not be held civilly liable, would not be open to lawsuit if she, out of desperation to save not only her life, but to add to the ability of her having a family would have to consent to a procedure that her doctor advised that she might have.

But yet here we come again and, as my colleague has noted, so appropriately in an election year, to bring forward clearly an aspect of legislation that should be left to the private determinations under the ninth amendment under the Constitution that has been noted before.

In addition, the Greenwood-Hoyer amendment, where 40 States have already recognized the importance of designing this legislation in the same manner as that amendment, an amendment that would have garnered the support of so many of us, this amendment, however, was not allowed.

It has come to my attention that even in Texas we have a law regarding the medical procedure since 1987 that protects the life and health of the mother similar to the Greenwood-Hoyer amendment, yet the Rules Committee saw fit to vote even against this reasonable language.

Mr. Speaker, this is not a serious debate. I would ask that we would vote against this rule, respecting my colleagues who believe in this particular legislation. This is wrong headed and wrong directed. I ask my colleagues to vote against the rule and the bill.

Mr. Speaker, I am pleased to have an opportunity to speak on this important matter. I am disturbed that the Committee is inhibiting a full and fair debate about this critical matter.

"The Partial Birth Abortion Ban of 2000," H.R. 3660, is extreme and unconstitutional legislation that would endanger women's health because it lacks an exception even for serious threats to a woman's health. If enacted, H.R. 3660 would lead to undue government interference in doctor-patient relationships by subjecting physicians to arrest and imprisonment for using their best medical judgment in accordance with the wishes of their patients.

I am distressed that this committee refused to even consider any amendments to such a momentous piece of legislation that would essentially eradicate a women's freedom of choice as we have known it for over 25 years.

Despite proponents comments to the contrary, H.R. 3660 would actually allow civil actions against the woman who has already undergone a traumatic experience and essentially open the window for all types of abortions to be banned.

This is why amendments should have been allowed to bring this legislation in accordance with current legal doctrine.

If allowed, my amendments would have allowed Members to express their views whether the viability of the fetus should determine whether this ban should or should not apply and they would have ensured that money damages cannot be sought against a woman that has a "partial abortion."

The proposed statute is simply not a restriction on late-term abortion. To the contrary, H.R. 3660 is extreme and unconstitutionally legislation would endanger women's health because it simply undermines a woman's right to choose.

It is imperative that we take the proper safeguards not to allow any group to take advantage of this emotionally charged issue for financial gain. Although we live in a litigious society, we should be careful to not provide incentives for frivolous reasons.

Termination of a pregnancy is already a tragic event for any woman. When one is faced with such a decision, they should simply not be thinking of the adverse consequences of potential litigation. That is simply cruel to the woman.

Members should be afforded an opportunity to consider reasonable alternatives to penalties contained in the legislation for so-called "late term" abortions.

Because the ambiguous wording of this bill creates the potential to ban all forms of abortions in violation of Roe v. Wade, while also leaving open the possibility for the woman to be prosecuted under this new statute, it is necessary to add clarifying language.

Mr. Speaker, I believe many Members would want the opportunity to be heard on this crucial matter. Private medical decisions belong with the woman, their families, their religious leader, and the physicians, not politicians.

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

Mr. Speaker, I would like to point out to the gentlewoman from Texas (Ms. JACKSON-LEE) that what she so derisively calls the Contract on America has been passed, 70 percent of which has been signed by President Clinton.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER.)

Mr. FLETCHER. Mr. Speaker, I certainly appreciate the gentleman from Georgia (Mr. LINDER) bringing this bill to the floor. I stand to speak today to support this bill.

It is a day that my daughter back home, surrounded by her mother, my mother, and my mother-in-law, are all viewing right now as she is having an ultrasound this morning to look at the child within her womb. There is a lot of excitement about that, and there should be.

It reminds me of the quote from Hubert Humphry, who says, ''The moral test of government is how that government treats those that are in the dawn of life.'' That is what this bill is about.

What is it about? It is about children. It is about decency. It is about compassion and love. It is about putting aside our selfish desires, whatever desperate situation we are in. And I agree that there are some desperate situations, and I have seen those, but setting those aside to look at the interest of the most vulnerable among us, those, as Hubert Humphry said, are in the dawn of life.

We have heard the discussions of the details of this procedure. We may not need to discuss how barbaric and gruesome a procedure that we wish to forbid here today. For I believe that all know, each one of us, everyone, deep down in our hearts, that killing a living, viable child who has made only a partial entry into this world of opportunity is wrong and morally inexcusable.

The President has vetoed this bill several times. Mr. Speaker, I would ask him that he reconsider, that he turn from his friends on the radical left and look deep into his heart and into the eyes of children, those eyes that glisten with hope for a future, and that he would sign this bill.

It is a bill of decency, goodness, fairness, and it is a bill of hope, a bill filled with the dreams, the dreams of those that want to come to know the joys of opportunity to be all that they can be.

I know that there are those that may consider the debate as one whether they are pro-life or pro-choice, but this goes well beyond that debate. This debate goes to are we going to be judged as a Nation, as Hubert Humphry said, a Nation whose moral test is decided on how we treat those at the dawn of life. This bill is about those that are at the very dawn of life and are we going to protect their opportunity, their future, and their dreams. I trust we can.

I encourage the President to sign this bill for decency, for fairness, and for moral integrity of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I am strongly opposed to late-term abortions. But when the health of the mother is at risk in tragic cases, that choice should be made by a woman and her doctor, not by politicians in Washington, D.C.

This bill would prohibit abortions even when a mother's health is at risk. We have no right in this Congress to make that health decision for other people's wives and other people's daughters. No Member of this House has the right to risk any other woman's fertility, no Member.

What this Congress should do is to pass a bill that outlaws all late-term abortion procedures, not just one procedure like this bill does, and then include an exemption in rare tragic cases where a mother's health is at risk.

This is the kind of bill I helped pass in Texas in 1987. It was a bipartisan bill, unlike this one, designed not for political press releases and sound bites and attack ads. It was designed to save the lives of babies, something this bill would not do.

I would like to ask the supporters of this bill one question they refused to answer for the last 5 years. If they have such a low opinion of America's women that they truly believe mothers want to maliciously kill viable, healthy babies late in pregnancy just moments before natural childbirth, if they really believe that, how does outlawing one procedure while keeping all other procedures legal save even one baby's life?

The truth is this bill does not save one life, and pro-life citizens and leaders have even admitted that. The deceptive secret of this bill is that it would keep it perfectly legal to have late-term abortions under this bill, just use a different procedure.

Babies are not saved by this bill. But sadly, in tragic, sad cases, mothers' health and their ability to have children in the future will be put at risk.

The truth is that if there is one frivolous killing of one healthy baby after viability anywhere in America, that is one too many. And we would all want to prevent such a case.

The real tragedy is not that this bill will not become law. The real tragedy is that supporters of this bill could have added a health exemption into this bill at any point during the last 5 years and we would have outlawed all late-term abortion procedures, not just one procedure.

Let us vote no on this rule and no on this bill and then do what we should do. Let us pass a law that will outlaw all late-term abortion procedures while protecting women's health.

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

Mr. Speaker, I would like to point out to the gentleman from Texas (Mr. EDWARDS) who said that the Texan law was bipartisan, unlike this one, that the last time it met the floor of the House it got nearly 300 votes, including the vote of his leader.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of this rule and urge my colleagues to vote for this good bill.

Partial-birth abortions should have been made illegal long before now. But the supporters of this procedure continue to tell us that it is needed. They claim that, without this procedure, the health and even the lives of mothers in this country will be at risk. By saying this, they seem to suggest that those of us who want to ban this procedure are somehow being insensitive or cruel.

But former Surgeon General C. Everett Koop says the procedure ''is never medically necessary to protect a mother's life or her future fertility. On the contrary,'' he says, ''this procedure can pose a significant threat to both.''

The American College of Obstetricians and Gynecologists says ''there are no circumstances under which this procedure would be the only option to save the life of a mother and to preserve the health of a woman.''

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning partial-birth abortion. The American Medical Association, the American College of Obstetricians and Gynecologists, and the most respected doctor in America are all telling the truth.

But not everyone is.

Not too long ago, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, admitted that he lied through his teeth when he claimed that partial-birth abortions are rare and only on women whose lives are in danger or whose babies had severe defects. He also admitted that he had lied about how frequent partial-birth abortions are. There are thousands every year in America.

What Mr. Fitzsimmons showed us is that there are pro-abortion activists in this country so extreme in their position, so completely unwilling to listen to reason, that they will defend even this procedure which is indistinguishable from cold-blooded infanticide.

Stabbing a baby in the back of the neck with scissors is gruesome, even if his head remains an inch inside the birth canal.

Mr. Speaker, partial-birth abortion is so gruesome and so barbaric that it must be stopped immediately. It is completely unnecessary. It is in every case unjustifiable and in no case the lesser of two evils.

The will of the American people has been consistently clear in every poll on this issue. The House and Senate have both passed this ban before by large margins. Clearly, reasonable and thinking Americans want this ban to become law. A few extremists continue to stand in the way. We will be asked to recommit this bill so that they can add on a provision providing an exemption for what they call ''mental health.'' That will, of course, mean there is no ban at all. In fact, if they are having a bad day, they can have a partial-birth abortion.

Mr. Speaker, we have a good bill before us. It does not need to be changed. It already does what we know is the right thing to do. We should stop playing games and pass this good legislation so that America can go back to believing that their Government stands for decency. America knows that partial-birth abortion is wrong. They want us to do something about it.

I urge all my colleagues to support the ban on partial-birth abortion today.

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

Mr. Speaker, I would like to make clear that the AMA no longer supports this bill and that the gynecologists never did.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

□ 1100

Mrs. TAUSCHER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I have prepared remarks; and I am an original cosponsor of this bill, but I cannot let the comments of the previous speaker and other speakers go by. I think that it is absolutely a horror for the American people to be told by any Member of Congress that American women may have a bad day and decide to have a partial-birth abortion. That is certainly not the fact, and that is certainly demeaning to every woman in this country. How dare anyone suggest that this is anything but about a very tragic, personally debilitating scenario, when very late in a pregnancy a mother and a father are told that that baby will not survive outside the womb and that medical procedures may be necessary to save the life and the health of that mother. Let us talk about the facts, ladies and gentlemen. Let us not cloud this. And let us not demean American women by suggesting that because they are having a bad day, they are going to get rid of a very precious child.

Let us ban late-term abortions. There is no one here that is pro-choice that is pro-abortion, but there are people here unfortunately that will twist the facts for their own political gain. This is a shameful day for this House. It is a shameful day that we will not protect the health and the life of American women and that we will not honor the mothers of this country by acting as if they can actually take care of their own children.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I think anytime a woman chooses to abort a baby, it is a difficult decision. And it is a tragedy regardless of the reason for it. What we just heard is not an accurate representation of partial-birth abortion. All you have to do is look at the facts from Kansas this year. So far this year, there have been 180 partial-birth abortions performed in Kansas. Seven of them were from women from Kansas. The rest of them were from out of State. Not one of those babies had a lethal defect. There was nothing that was going to keep them from living an adequate and acceptable life. We can say that partial-birth abortion is about terminating pregnancies on babies that are not viable. But the facts do not bear that out. Does it occasionally happen? Yes. When it happens for a nonviable baby, it is being done only for the convenience of the abortionist. It is not being done for the safety and health of the woman. Because in fact if it was for the safety and health of the woman, they would terminate the pregnancy in a very much different way. They would not put at risk her reproductive future. They would not put her at risk for a pulmonary embolism from amniotic fluid, they would not put at risk the ability for her cervix to maintain its muscular strength by dilating it against its will. The facts about partial-birth abortion are that it is done for the abortionist, not for the woman. I know that because I have helped thousands of women deliver children. I have done D&Xs. I know the procedure very well. It is the last procedure I would ever do to help a woman eliminate a nonviable child. That does not go to say how right are we in expressing our knowledge, scientifically based, on whether or not we are accurate about a child's viability.

So let us dispel the three myths that are put forward. Partial-birth abortion in this country is not being done for the health of the woman. It is being done for the convenience of the abortionist. That is number one. Number two, it is not being done because children have lethal defects. It is being done so that late-term abortions can be accomplished. That is why it is being done. Number three, this procedure puts the health of a woman at much greater risk than any of three other procedures that could be used to terminate her pregnancy.

We can agree to disagree on whether abortion is right or wrong. I do not have any problem with that, and I have a great deal of respect for those who disagree with me on that issue. But you cannot confuse the medical facts of the risk that a woman is put to when this procedure is used on her. It is a marked increase in risk for her health. If in fact it was an emergency to eliminate this baby, we would do a saline injection, take the life of the baby and put prostaglandin in and have the baby deliver head first. The baby would be dead, it would come out, and the woman would have labored it out. But instead, we do not do that. We put in japonicum, which is seaweed, we allow it to dilate up, then we dilate the cervix further, we reach in with instruments, we turn the baby around, we pull the baby out, puncture the head, collapse the head and pull the baby the rest of the way out and then forcefully extract a placenta. When we do that, we expose the woman to loss of fertility and loss of competency of her cervix, we expose the woman to significant hemorrhage, and we expose the woman to fluid embolus from amniotic fluid. Nobody who is thinking about the woman would use this procedure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, I wanted to come to speak specifically on the rule, because it is the rule that shows that this body is not serious about achieving consensus on this very serious and troublesome question. Because there is, after all, an alternative which has a very good chance of getting that consensus, the Hoyer-Greenwood alternative. Many like me would be reluctant to support that alternative because it compromises the health language; but in the name of getting a consensus on so troublesome, and deservedly so, an issue, we could get there this time. We are told this time it is constitutional. And the reason the other side has to talk to us about constitutionality this time is that the courts have handed them their heads. Not the Congress, not the President.

It is the courts that have told you you are in violation of the Constitution. The reason Hoyer-Greenwood is obviously a much preferable alternative boils down to two. The Republicans come forward with a bill that uses inflammatory lay language. Basically, it is a gotcha 30-second ad. Of course it does not speak to the gestational period, so the, quote, ''living fetus'' could be when it is, I do not know, 3 weeks old, and you could be prosecuted under this language. Would you think this has a moment's chance of standing up in court?

Hoyer-Greenwood, on the other hand, makes it clear that it is after viability. You ask the average American, you talk about after viability, they know what you are talking about. Hoyer-Greenwood says seventh, eighth and ninth month, unless it is very serious, you are not going to get an abortion. I do not know why that is not good enough for you. I am sure it is good enough for the American people. Serious health consequences? That means that people on my side who believe this should be between a woman and her doctor are indeed accepting a real compromise. It is you who are unwilling to accept a compromise, because Hoyer-Greenwood by limiting late-term abortions to the serious adverse health consequences of the woman virtually guarantees that there will be few seventh, eighth, and ninth month abortions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today as one of the people who is under political attack by right-to-life on this issue which in my State is very clearly a political issue, not a policy issue, because they say I want to keep partial-birth abortions. I say I am a cosponsor of the bill of the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD) that says not just partial-birth abortion but all late-term abortion should be illegal in this country except to save the life of the mother or if she has a serious health consequence, a serious threat to her life or her health. That is what this is about. This is an alternative that will be signed by the President and could very quickly be the law of the land to make it clear that not just one procedure but every late-term abortion procedure would be banned except if the mother's life is threatened or there is a serious health consequence to her continuing the pregnancy. And then she could still continue the pregnancy; but it would be her choice, not the politicians in Washington's choice. That is what this is about.

I find it along with my colleagues, the women of this House, totally offensive as a mother of two beautiful children to say that women in the final weeks of pregnancy would just have a bad day and decide to terminate a pregnancy that they had carried almost to term. We are talking about women who want children, who are bringing this child into the world, who are excited, who have put together the crib and the wallpaper in the baby's room and are excited and get to the point at the end where they find out that the doctor says, we have got a serious problem here and we are going to have to sit down and talk about it and there is going to have to be some decisions made because there is something that has gone wrong. When that happens, I want the woman, the doctor, her family and her faith and not the people in this room making that decision.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would just ask the gentlewoman from Michigan to look at the experience in Kansas. Every one of the partial birth abortions that have been provided for this year have been on the basis of the health exception. A health exception for the woman. Eight of them from Kansas, seven or eight from Kansas, the rest from outside of Kansas but on a health exception. Very few of those were based on the physical health of the woman, but on the fact that she did not want to have a baby.

Now, I understand that in our country that is okay. That is legal today. I want to make one other point, that we sometimes forget. Why is partial-birth abortion out there? Because if you abort a baby a different way, guess what? The baby is born alive. When the baby is born alive in most States if it is at viability, then you have to express the will of the State to do everything you can to keep that child alive. So we abort a baby, have a baby that is viable, and then we work to keep it alive because that is what the States say we must do. So partial-birth abortion is developed so you deliver a dead baby. That is why it is there, so you get around this idea that it is alive.

Again, I would remind the vast majority, upwards of 90 percent of all partial-birth abortions are on absolutely normal babies. Normal. Not abnormal. I have delivered tons of abnormal children. I have dealt with every consequence associated with terrible errors in reproduction. They are tragedies. But to couch partial-birth abortion on the basis of 1 or 2 percent of those issues, and that is what you are really talking about, 1 or 2 percent, not the vast majority, to justify it as a means to terminate the life of a well, healthy child is unconscionable. Most women if they truly had informed consent would never allow partial-birth abortion to be performed on them.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I was puzzled to hear the gentleman from Oklahoma say that they were not for physical health reasons in most cases. The reason I say that is I went to the Committee on Rules to ask for the right to offer an amendment that would have allowed this only in cases where there was severe, adverse, long-term physical health consequences.

□ 1115

Now, many do not think that does enough. It would not be enough for me to vote for the bill, but at least it would have met that argument.

So when the gentleman says, oh, but we are just talking about all health, not just physical health.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I would tell the gentleman I would fully support that amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and he may have a chance to. But I assume that means the gentleman will vote against the rule, because I went to the Committee on Rules and asked for this amendment to be made in order.

This bill is being done in the most abusive way ever. Do we want to know what is a late-term abortion? The real late-term abortion bill is the one that the gentleman from Maryland was not about to offer. Late-term abortion describes this legislative procedure. We wait until late in the term so we can get maximum political advantage, and then we abort the legislative procedures; no committee vote, no amendments being made in order.

The gentleman from Oklahoma says well, 1 or 2 percent, so let us try to deal with the 1 or 2 percent. That is not what we have. This is a bill in search of a veto for use for political purposes. Members who sincerely want to restrict this procedure and some would want to restrict it more than I would want to, and I might lose on that. But the rule is calculated to get a veto. It does not allow what the gentleman from Oklahoma talked about.

The Committee on Rules specifically refused my amendment and many of the strongest pro-choice people think my amendment gives away too much; I do myself in some ways, but at least the body should be able to vote on it. The true late-term bill was the gentleman from Maryland's.

This is the most outrageous repudiation of the democratic procedure I have seen in 20 years. A bill where there is pending constitutional litigation where some courts have held this bill, in effect, unconstitutional at the circuit court level, does not have any committee consideration, comes to the floor with no amendment whatsoever, solely for the purpose of being used politically. The money that is being spent on this bill ought to be reported to the Federal Election Commission as a Republican campaign contribution.

Mr. LINDER. Mr. Speaker, I would inquire as to how much time remains on both sides.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. LINDER) has 11½ minutes remaining; the gentlewoman from New York (Ms. SLAUGHTER) has 9½ minutes.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, it was not so long ago that I stood on the State Capitol steps in Denver, Colorado commemorating the 27th anniversary of the Supreme Court ruling in Roe v. Wade which guarantees a woman the constitutional right to determine her own reproductive destiny. On that day I joined Coloradans in urging them to protect this deeply personal right and urging them to continue the fight against increasing efforts to chip away at these rights for which we fought so hard.

It strikes me that the House leadership today, if it was interested in good policy, not politics, would not have brought this bill to the floor. In just a few weeks, the Supreme Court will hear oral arguments on the substantially similar Nebraska partial-birth abortion ban which makes the timing of H.R. 3660 a bit more than suspect.

If the leadership were really serious about seeking bipartisan consensus in passing a law, the Committee on Rules should have permitted consideration of the Hoyer-Greenwood substitute, which has the strong backing of Members on both sides of the aisle, the promise of the President's signature, and the support of sensible policy leaders who recognize the vital importance of including health exception and a post-viability provision.

Most importantly, the Hoyer-Greenwood alternative is what Americans want. In a recent poll, 88 percent, 88 percent of Americans supported the inclusion of a health exception for women. If the leadership were really serious about outlawing one particular abortion procedure, they would have agreed to consider an alternative to this vague and broadly-worded piece of legislation.

Mr. Speaker, if the leadership continues to ask Members of Congress to support bad public policy, we must continue to oppose it. For my part, I will do all I can to protect a woman's right to choose. Oppose this rule, oppose this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, let me tell the Members what I support. Like most people, I believe that all late-term abortions should be outlawed unless the woman's life is in danger or she would suffer serious health problems by continuing the pregnancy.

Our language would stop far more late-term abortions than will be voted on today, but the leadership is not going to allow it.

I oppose late-term abortions. I cosponsored legislation to outlaw them. Mr. Speaker, 88 percent of the American people believe that if a woman's life is in danger or there is a serious health problem for the woman, there should be an exception. This is only common sense.

The Congress today votes on eliminating only a single medical procedure. Perhaps it may stop a limited number of late-term abortions, yet I support language that stops all late-term abortions, regardless of medical procedure, unless the woman's life is in danger or

she will suffer serious health consequences. Abortion is an agonizing decision and an agonizing debate, requiring all views, and yet I will not be permitted today to protect the woman against serious physical health consequences. I oppose the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule. This is an extremely important vote for the Members of the House.

It is simply baffling to me why those who oppose abortion, those who are generally referred to as pro-life, are not out here on the floor with us saying, this rule should allow the amendment that offers this House the choice to ban all post-viability abortions.

Third-trimester abortions are abhorrent to the American people, and they are wrong. But never in our history has this House banned a single medical procedure, and it will not work now. It will not accomplish our goal in terms of respecting the potential life of a well-developed fetus, and it will endanger the legitimate rights of women in the first trimester of pregnancy.

Mr. Speaker, 40 States have the kind of legislation we wanted to bring to this floor of the House together in a bipartisan fashion. It would ban third trimester abortions by any method. But it would respect the right to life of the mother and the right to avoid severe health consequences through carrying a hostile pregnancy. Many States have this law and it has never, ever been declared unconstitutional, yet the only choice we have here today is legislation that in 20 of the 21 challenges has been declared unconstitutional.

Sadly, I think we are being denied this right because our legislation would pass, because it is the right thing to do for America, it is the right thing to do for America's women, it is the right thing to do for our children, and it profoundly respects the life of the unborn, the life of the mother, and the wholeness of family.

Mr. Speaker, I urge my colleagues on both sides of this issue to vote no on this rule. Let us go back to the Committee on Rules. Let the Committee on Rules rethink the caliber of debate that should come to this floor on such a critical issue. And for once, let us open this body to the breadth of debate, to the depth of consideration, that this issue deserves.

I believe there is common ground that could unite all of us. Please, oppose the rule.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OSE. Mr. Speaker, if I understand the rules and procedures of the 106th Congress, a Member is allowed to speak once on a question before the House. Is that accurate?

The SPEAKER pro tempore. The Chair would advise the gentleman that this resolution is being considered under the hour rule. The gentleman from Georgia (Mr. LINDER) was recognized for 1 hour, and he has within that time the option to yield to whomever he wants for whatever period he wants.

Mr. OSE. I thank the Chair.

Mr. COBURN. Mr. Speaker, it is interesting that of the few people in our body that have experience with this issue, that we now have an attempt to cut off debate. The fact is, I am all too familiar with this procedure.

The gentlewoman from Connecticut (Mrs. JOHNSON) I think made one misstatement, and the fact is that whether this passes or not, it will have no effect on first-trimester abortions, none, zero.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, we have testimony from physicians that the way the bill is worded, it would indeed have that effect, and we have judicial rulings from judges that say the language is so broad they would have to rule that way.

Mr. COBURN. Mr. Speaker, reclaiming my time, in fact, and in actuality, this procedure is never used in first trimester, because it is way too dangerous. No physician who should be licensed and who should continue to be licensed would ever use this procedure in the first trimester. So regardless of the testimony, the medical facts are, one would never use this procedure in the first trimester.

The second point I would like to make, as we defend the right of women in this country under a health exception to destroy their unborn children, we need to talk about how we define death in this country. Because we define death in this country as the absence of a heartbeat and the absence of brain waves. All 50 States, every territory, upheld by the Supreme Court.

Now, if that is death, let me tell my colleagues what the opposite is: present heartbeat, present brain waves. That is life. I say to my colleagues, at 41 days past the last menstrual period, every fetus has a heartbeat and brain waves.

So we can have the debate on whether it is not all right for us to chew up our unborn; that is not what this debate is about. This debate is about whether or not we are going to continue to convenience the abortionists with a procedure that put women at risk, even for that small percentage of time when we have, as the gentlewoman from Connecticut described, a hostile pregnancy.

Those of us that are pro-life believe all life has value, and we do not believe that it is proper to rationalize one moral error with another moral error. The first moral error is attaining an unwanted pregnancy. The second moral error is to eliminate that pregnancy because it inconveniences someone.

Now, we can talk about this issue, and there are some tragedies, I agree. But I also will tell my colleagues that this is never the best way to solve those tragedies. I understand why it is out there, I understand why it is used, but medically it is never the best way to solve those tragedies.

Mr. Speaker, I want to share a story with my colleagues. This little child's name is Jakie Johnson. Jakie Johnson as an encephalic baby. I want to describe to my colleagues the difference that would have occurred had his mother had a partial-birth abortion. She would have had a 3-day procedure where she developed, as she went through the procedure, forced dilatation. On the third day the doctor would have reached into her womb, ruptured her membranes, the water would have drained out, he would have grabbed with tongs, pulled the baby around, forced the baby out, collapsed the skull, and the baby would have been born dead.

I want to tell my colleagues what happened with Nancy Johnson and her son, Jakie.

□ 1130

Nancy chose not to terminate her pregnancy. I delivered that baby in the middle of the night, alive. That baby died 3 hours later in its mother's and father's arms. Now tell me which is the better outcome for the mother and father and the child, to have some vague, horrendous, risky procedure done, or to have a delivery of a malformed baby which dies in its parents' arms?

If Members think we should abandon the love and caring of a parent as a child dies, then Members should vote against this rule. If Members think there is something to parenting, loving, and caring, then vote for this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is a difficult issue. It is an issue which tears Americans apart. Almost every American I know values life, values children, values those in the dawn of their life, as was said earlier.

Let me start by accepting the premises put forth by the gentleman from Oklahoma (Mr. COBURN), the premises as to why this procedure is used. Let us accept that. But let us also accept his other proposition, that the termination of the pregnancy can be effected by three other methods. That is what the gentleman from Oklahoma (Mr. COBURN) just told us minutes ago.

Then let me turn to the gentleman's assertion that he could have supported and would support the amendment offered by the gentleman from Massachusetts (Mr. FRANK). Then let me assert

that it is my position, the position of the gentleman from Pennsylvania (Mr. GREENWOOD), and the position of those of us who ask for this amendment, the Hoyer-Greenwood amendment to be made in order, that we are opposed to all late-term abortions because we value that viable child; because we believe, consistent with the Constitution, the State has an interest in ensuring that that child has every opportunity to live.

Yes, as the Supreme Court and the Constitution require, we adopt the premise that one must relate to the life of the mother and to the health of the mother. As an aside, let me say that most Members and clearly most of the public believe that rape and incest ought to be exceptions.

As the good doctor knows, a woman's physical health is not put at risk per se because the pregnancy results from either incest or rape. It is in fact in the combination of the physical and mental trauma from which that pregnancy results. In fact, what we ask for in this, the people's House, we send 435 Members, men and women from across the breadth of this land to try to come together and make very difficult judgments.

This rule adopts the premise that there is a simplistic approach. It is a gag rule. It is a closed rule. It allows for no alternatives but the alternative presented, not even by the committee, which did not report this bill out. It is in that sense clearly, Mr. Speaker, a political, as opposed to substantive, approach to legislating in this House.

This ought not to be on an issue of this consequence, of this seriousness. There should have been allowed by this rule the opportunity for full debate and alternatives to be considered. My bill, the bill of the gentleman from Pennsylvania (Mr. GREENWOOD), the amendment we sought, said we want to make it the policy of the United States of America that late-term abortions are illegal, not allowed, prevented; not just one procedure of which the gentleman from Oklahoma speaks, but including the three procedures that the gentleman from Oklahoma also referred to, by whatever procedure. We want to deal with this issue substantively.

Mr. Speaker, I ask Members to vote against this rule. Let us legislate thoughtfully, fully, on this critically important matter, and let us prevent and make illegal late-term abortions.

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

Mr. Speaker, some years ago Governor Cuomo of New York made the statement that you are going to hear on the floor of this House during this debate. He said, I am personally opposed to abortion, but I will not vote to end a woman's right to choose.

George Will responded to that in an article in the newspaper, where he pointed out that it is a morally incoherent statement. It is morally incoherent. He further pointed out that 141 years ago this year, Justice Roger B. Taney wrote the Dred Scott decision, which said essentially that Americans may continue to own African-Americans as chattel. What was not broadly known at that time was, 30 years prior to that, Justice Taney released his own slaves to freedom. He personally did not believe in slavery, but he did not mind if you did. That is morally incoherent.

There have been three times in the history of this great Nation when we have declared portions of our population to be nonpersons under the constitutional protections. The first was Native Americans, when we took their land. The second was black people, when we took their freedom. The third is unborn children, when we are taking their lives.

We are still repenting for the first two. We face yet the third.

Let me just close by saying this. When a Nation puts people in jail and fines them for destroying the potential life of unborn loggerhead turtles and bald eagles, and pays people for destroying the potential life of unborn babies, that Nation has lost its way.

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

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

Mr. Speaker, if I could just say, in defense of my former Governor Mario Cuomo, I say to the gentleman that it is possible to personally object to something but not require that everybody else agree with you.

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

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 179, not voting 11, as follows:

[Roll No. 102]

YEAS—244

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur

Kelly	Moran (VA)	Serrano
Kennedy	Nadler	Sherman
Kilpatrick	Napolitano	Slaughter
Kind (WI)	Neal	Smith (WA)
Kolbe	Obey	Snyder
Kuykendall	Olver	Spratt
Lampson	Ortiz	Stabenow
Lantos	Ose	Stark
Larson	Owens	Strickland
Lee	Pallone	Tanner
Levin	Pascrell	Tauscher
Lewis (GA)	Pastor	Thompson (CA)
Lofgren	Payne	Thompson (MS)
Lowey	Pelosi	Thurman
Luther	Pickett	Tierney
Maloney (CT)	Pomeroy	Towns
Maloney (NY)	Porter	Turner
Matsui	Price (NC)	Udall (CO)
McCarthy (MO)	Rangel	Udall (NM)
McCarthy (NY)	Reyes	Velazquez
McDermott	Rivers	Visclosky
McGovern	Rodriguez	Waters
McKinney	Rothman	Watt (NC)
Meehan	Roybal-Allard	Waxman
Meeks (NY)	Rush	Weiner
Menendez	Sabo	Wexler
Millender-McDonald	Sanchez	Wise
	Sanders	Woolsey
Miller, George	Sandlin	Wu
Mink	Sawyer	Wynn
Moakley	Schakowsky	
Moore	Scott	

NOT VOTING—11

Campbell	Markey	Myrick
Cook	Martinez	Oberstar
Crane	Meek (FL)	Vento
Klink	Morella	

□ 1203

Mr. LIPINSKI changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above record.

The motion to reconsider was laid on the table.

Stated against:

Mrs. MORELLA. Mr. Speaker, on rollcall No. 102, I was at a meeting in the Russell Caucus Room and my beeper didn't go off. Had I been present, I would have voted ''no.''

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 457, I call up the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 3660 is as follows:

H.R. 3660

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 ''Partial-Birth Abortion Ban Act of 2000''.

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.

''1531. Partial-birth abortions prohibited.

''§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

''(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

''(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

''(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

''(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

''74. Partial-birth abortions ..... 1531''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 457, the gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour.

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

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 on H.R. 3660.

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

There was no objection.

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

Mr. Speaker, today, the House once again considers legislation to ban partial-birth abortion. Similar legislation, as every Member is surely aware, has been considered in each of the last two Congresses. And in each Congress, this House not only has passed the legislation, but also overrode a Presidential veto.

The partial-birth abortion act would have become law during the last Congress, if support in the other body had not fallen just short of the two-thirds majority necessary to override the Presidential veto.

Some of us ask why we are considering this measure again. The answer to that question is quite simple. This House has a responsibility to do everything in its power, notwithstanding the President's stubborn support for partial-birth abortion, to put an end to this practice, which has no place in a civilized society.

The House cannot remain silent while a procedure, such as partial-birth abortion is being performed across this land. The debate over this procedure was sparked in 1992 when an abortionist named Dr. Martin Haskell presented a paper in which he described this procedure, which I will now describe to the House.

Mr. Speaker, in the procedure described in the paper by Dr. Martin Haskell, in 1992, the abortionist in the first step of the procedure guided by ultrasound grabs the live baby's leg with forceps, as is depicted in this drawing.

The abortionist then goes to step 2 in which the baby's leg is pulled out into the birth canal. Third, the abortionist delivers the living baby's entire body except for the head, which is deliberately kept lodged just within the woman's cervix. The abortionist then jams scissors into the baby's skull, and the scissors are opened to enlarge the incision. This is in the fourth step, depicted here in this drawing. Finally, the scissors are removed, and a suction catheter is inserted. The child's brains are removed by the suction catheter, causing the skull to collapse, and the delivery of the child is then completed.

Now, I have described this procedure on the floor of this House previously during the consideration of legislation in past Congresses. Every time I describe it, I am moved with the sense of horror at what is actually taking place when this procedure is performed.

I would appeal to all the Members of the House to consider the chilling reality of what actually takes place when a partial-birth abortion is performed. Put aside all the misrepresentations, put aside all the falsehoods that have been brought forward by the supporters of this procedure, and consider the reality that is demonstrated in these simple drawings. I would submit to the House that we cannot in good conscience sit idly by while such deeds are being done in this Nation under the protection of the law.

Now, from the beginning of the debate over this legislation, the supporters of partial-birth abortion have relied on an array of misrepresentation and outright lies to cover up the truth about this odious practice.

For example, the abortion lobby lied and said that the procedure was rarely used, estimating the number performed annually at approximately 500. An investigation by a newspaper in New Jersey revealed, however, that approximately 1,500 partial-birth abortions are performed per year in one clinic alone in the State of New Jersey.

Ron Fitzsimmons, the head of the National Coalition of Abortion Providers, admitted in an interview with the American Medical News that he had lied through his teeth. Those are his words, ''lied through his teeth,'' when he ''spouted the party line'' as he went on to say to ABC's Nightline news program by claiming that the annual number of partial-birth abortions was only 500, instead of the 3,000 to 5,000 he now admits.

The abortion lobby also claimed that partial-birth abortions are performed only in rare cases involving serious fetal deformities or to preserve the life or health of the mother. Once again, that falsehood is contradicted by the plain evidence.

The American Medical Association has clearly stated that the partial-birth abortion procedure is not good medicine and is not medically indicated in any situation. They may not support the bill for their own internal political reasons, but that statement of theirs that this procedure is never medically indicated still stands.

Similarly, the Physicians' Ad Hoc Coalition for Truth, a group of over 400 physicians who are professors or specialists in obstetrics and related fields, has said, and I quote them, ''partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary,'' they go on to say, ''this procedure . . . can pose a significant threat to both her immediate health and future fertility.''

H.R. 3660, the bill that is before the House today is similar to the bill that passed the House and Senate during the last Congress. The language of the bill has been modified slightly from the previous version in order to alleviate concerns raised in response to various court decisions striking down State partial-birth abortion bans on the grounds that those bans also reached conventional abortion procedures in which the fetus is dismembered and then removed from the mother. The new language makes clear that, for the bill to apply, partial delivery into the birth canal is not sufficient, but that the partial delivery must be outside, and these are the words of the bill, ''outside the body of the mother.''

Now, contrary to the claims of the opponents of this legislation, there is no constitutional barrier to banning the partial-birth abortion procedure. In Roe v. Wade, the Supreme Court held that women have a constitutional right to abort unborn children. The baby that is killed during a partial-birth abortion is no longer unborn, however, but is partially born, and the Roe court did not hold that partially born children are without protection under the Constitution.

There is an absolutely very clear distinction between what the court was dealing with in the Roe case as controversial as that may be and as much as some Members of this Chamber may disagree with it, there is a very clear distinction between that and what we are dealing with in this bill which addresses the procedure of partial-birth abortion.

In fact, in Roe, the court specifically noted that a Texas statute prohibiting the killing of a child during childbirth had not been challenged. The partial-birth abortion ban is soundly premised, I would submit to the Members of this House, upon the view that the abortion created in Roe does not extend to partially born children.

Now, let me ask every Member of this House to consider the victims of partial-birth abortion, the tiny human beings whose lives are snatched away by this cruel practice. Look at this procedure that is performed. Consider that this is happening to living human beings. Now, most of the victims of this gruesome procedure are killed during the second trimester finishing in the 20th week of gestation.

Now, who are these tiny members of the human family? Are they worthy of the protection against destruction as they are being delivered from their mother's body? Are they worthy of the protection that this bill would provide for them? I ask all of the Members of this House to reflect carefully on the value of the lives of these unique, defenseless human beings as they consider how they will vote today.

Consider, I ask my colleagues, the close connection between the partially born child and the newborn baby. Recognize the undeniable continuity between the developing child in the woman who may be subjected to partial-birth abortion and all other members of the human family.

□ 1215

Now, we all know that sometimes heroic medical efforts are made to protect the well-being or to save the lives of unborn children. We have seen dramatic evidence of that in recent years. There have been marvelous advances in medicine which have made it possible to perform medical procedures on babies in the womb so that their lives can be preserved and their health can be protected. Surgery is performed on children in the womb to correct problems that might otherwise threaten their lives.

Let me cite one example of a real case, the case of Samuel Armas, and we will show you Samuel. This is Samuel Armas. He was born last year after having prenatal surgery to correct a case of spina bifida. This surgery was performed when he was at 21 weeks gestation. Now, that is the point when the partial-birth abortion procedures start to be used. They begin using that procedure at about 20 weeks. Samuel had the surgery, it was a success, and he is now the joy of his parents' lives.

I want to show my colleagues another photograph. Now, this photograph should vividly convey a message to all the Members of this House. It shows how children in the womb, like Samuel Armas, can reach out to grasp the finger of the physician who is performing the prenatal surgery. We can observe the arm of the child has been extended from the incision made in his mother's womb. He has reached out and grabbed the finger of the physician.

I saw this photograph and similar photographs for the first time quite recently. And when I first saw it, I could only remain silent and in awe for moments after I had seen this image. Let me ask my colleagues, as Members of this House, can we say that a baby at this stage of development, this baby reaching out and grasping for life, should be denied protection against partial-birth abortion? Can we remain blind to the meaning of this tiny grasping human hand? Is there anyone in this House whose finger has been grasped by a newborn baby who can turn away from this image and support a terrible practice such as partial-birth abortion? How can we deny the humanity of this tiny child reaching out of his mother's womb?

I beg of all the Members of this House to once more recognize our common humanity with the victims of partial-birth abortions and pass the legislation that is before the House today to end this shameful, outrageous practice, which is an offense against humanity.

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

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

My colleagues, we should make no mistake, this bill is not about legislating, it is a game designed to thumb Congress' nose at the constitutional bedrock of Roe vs. Wade, which gives a woman the right to choose. And so this is a game designed to provoke a veto, which will surely occur.

Now, we would all like to end unnecessary partial-birth abortions. Indeed, had the majority really wanted to do this, we could have started working together to pass legislation some 15 months ago when this session started. Democrats would have worked to pass such legislation. But, instead, we have a charade. We wait 15 months, no hearings, no markup in subcommittee, no markup in full committee, no amendments allowed to be offered on the House floor. Why? Because the sponsors of this legislation do not want us to offer a real proposal that could get signed into law and pass constitutional muster. On their part, this is not a good-faith effort. Instead, they want a

bill that they cannot pass into law or meet the requirements of the Constitution. They do this because they want an issue, not a law that will ban unnecessary late-term procedures.

What does this mean? The majority wants to trample the constitutional rights of a woman to obtain certain procedures when she needs them to protect her health. It wants to force women, like Kim Custis, to carry their pregnancies to term. Ms. Custis wanted to have a baby, but she found out not once but twice that the fetus she was carrying had no brain tissue. The first time this happened, the Nebraska law that has now been enjoined was still in force, and there was no way for her to have a safe, legal abortion. The sponsors of this bill would have Ms. Custis carry this fetus, who had no brain.

If anyone has any doubt about the game that is being so crudely choreographed here today, it will be dispelled if they look across the street at the Supreme Court, which is set to hear arguments on the constitutionality of an earlier version of the same measure. Under normal circumstances, we would be loathe to get out ahead of the Supreme Court in a case concerning virtually identical language. That is because ever since the Supreme Court decision in Marbury v. Madison, nearly 200 years ago, we have recognized that the Supreme Court has the last word on the constitutionality of our laws. Not us, but them.

But it is an election year, and the Republican leadership cannot wait for the Supreme Court to fulfill its constitutionally mandated role. The reality is this bill is unconstitutional because it contains no exceptions providing for the physical health of the mother, and that is why we should vote against it. Roe vs. Wade clearly holds that a woman's right to protect her life and health in the context of reproductive choice trumps the Government as Big Brother in its desire to regulate.

Medical and legal experts who have viewed the legislation note that it is extremely vague and broad and, as a result, may outlaw abortion procedures at any stage of pregnancy. In fact, in Michigan, on July 31, 1997, Judge Gerald Rosen struck down Michigan's partial- birth abortion ban, in the first case finding the definition of partial birth so vague that doctors lacked notice as to what abortion procedures were banned. Moreover, the court found that the State law unduly burdened women's ability to obtain an abortion.

It is clear that this bill violates that well-established constitutional law long settled by Roe. Even one of the most leading conservative jurists in the 7th Circuit, Chief Judge Richard Posner, who was appointed by President Reagan, has himself said of these legislative end runs, ''These statutes are concerned with making a statement in the ongoing war for public opinion, though an incidental effect may be to discourage some late-term abortions, the statement is that fetal life is more valuable than women's health.''

So for heaven's sake, let us not force by legislative fiat the Kim Custises of this world to bring to term fetuses that cannot survive. Let us stop trying to usurp the duties of the United States Supreme Court. Let us take the politicians out of the bedrooms.

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

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

Mr. DELAY. Mr. Speaker, I thank the gentleman for bringing this bill to the floor.

Mr. Speaker, once again, I rise to express my support for this lifesaving bill. It is hard to believe that it has not been signed into law already, but we live in very sad times.

Every day, on television, in the papers, on this floor and, in particular, in the White House, I hear over and over again about how much everyone cares about children. Never in the history of man has more lip service been paid to the needs of our children. But, tragically, never in history have children been sacrificed so mercilessly in such high numbers.

Abortion is a stain on our Nation that we must begin to wash away. A ban on partial-birth abortions is the first step.

Bill Clinton even ran for the presidency by saying that he wanted to make abortion rarer; but after 8 years in office, he has done nothing to curtail the number of abortions in this country. In fact, he has twice vetoed the attempts of Congress to eliminate the harshest abortion techniques. And make no mistake about it, that is what this bill does.

We need to be honest about what abortion is. We also need to be honest about what this specific technique is. I have heard some of my colleagues complain about the charts that have been shown here on the floor that explain the process of partial-birth abortion. Well, that is what happens to between 3,000 and 10,000 babies every year. The descriptions of this procedure are reality. Now, most Americans would not want this done to a dog; yet the White House and others turn their heads away as it is done to babies.

The abortion industry has gone too far, and on this issue the conscience of this country has been pricked. A vast majority of Americans now believe that partial-birth abortions should be illegal. Mr. Speaker, the President needs to listen to the conscience of America and sign this ban.

Mr. CONYERS. Mr. Speaker, I yield 4½ minutes to the gentlewoman from New York (Mrs. LOWEY), one of the leaders in our struggle for sensible abortion procedures.

Mrs. LOWEY. Mr. Speaker, we are here today considering this ban for the seventh time in 5 years. Seven times we have stood here and talked about the need to protect the health of American women, seven times we have asked our colleagues to stop playing politics with women's lives, and seven times we have shown this bill to be an attack on the constitutional right to reproductive choice embodied in the Roe v. Wade decision. But we are back, unfortunately, and, sadly, probably not for the last time.

I want to ask my colleagues to think about the nature of this issue for a moment. What we are doing today, if we pass this ban, is inserting ourselves, the Government, into one of the most personal and painful decisions a woman will ever have to make. I know my colleagues do not believe in that principle. I sat here yesterday during the debate on organ transplants as Member after Member came to this floor and expressed shock and outrage that the Government would dare insert itself in the medical decision-making process.

□ 1230

Well, today they are asking us to go even further. Not only are they demanding that we stand between doctor and patient, but also that we place ourselves between husband and wife, mother and daughter, clergy and parishioner. Legally, this is unconstitutional. And morally, it is unconscionable.

Mr. Speaker, Roe v. Wade expressed three basic values, values that the American people overwhelmingly support.

First, the decision to terminate a pregnancy is private and personal and should be made by a woman and her family without undo interference from the Government.

Second, a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term.

Third, determinations about viability, health, and risks must be made for each woman by her physician.

This bill, my colleagues, rejects each of these values. It contains no mention of fetal viability, no protection for the health of the woman, and leaves no role for the physician. The Government makes all the decisions. And make no mistake, real families will suffer if this legislation becomes law.

Yesterday, a number of us talked with the Koster family. Kim Koster and her husband Barry have now lost two pregnancies to anencephaly, a condition in which the fetal brain does not develop.

Kim is young, just 31. She is healthy, with no family history of this devastating condition. Yet, she and her husband have had to terminate two pregnancies. And if they choose to have that baby they have been dreaming about their entire lives, there is a 50/50 chance that they will have a third anencephalic pregnancy.

Kim and Barry want to be parents. They want the opportunity that so many of us have to bring a baby of their own into this world. Yet, the supporters of this bill would deny them access to a decision to terminate the

pregnancy that would protect Kim's well-being.

I want my colleagues to know that I respect them and the oath we have to make decisions based on what we believe is right. I believe, with all my heart, that this bill is wrong and that we must stand against any abortion law that would leave families like Kim and Barry without options when they already have so much at stake.

My colleagues, we believe that women matter. We believe that their lives are irreplaceable and worth protecting. That is why we oppose this ban. Let us reject this assault on our values and our health and stand up for the principles embedded in Roe v. Wade. Vote ''no'' on this bill.

Mr. VITTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong support of H.R. 3660, the partial-birth abortion ban.

My position on this legislation is based on my concern for the health and safety of both the mother and the preborn child.

The medical value of the procedure in question is often misrepresented. The truth is that this procedure poses a greater risk to the mother's health than a full-term delivery. Studies have only begun to measure the physical, the psychological, and the emotional tolls abortions take on women.

We must not be fooled by the claims that partial-birth abortions are necessary to save lives. The truth is that the members of the American Medical Association have yet to find a single case where this procedure is medically necessary. In the words of former U.S. Surgeon General C. Everett Koop, ''In no way can I twist my mind to see that the partial birth, and then destruction, of the unborn child before the head is born is a medical necessity for the mother.''

According to the abortion industry itself, the vast majority of partial-birth abortions are performed on completely healthy mothers and healthy babies. In fact, many of the preborn children aborted using this procedure would have a really realistic chance of survival outside of the womb.

Thousands of infants are dying a painful, gruesome death every year. We have a grave responsibility to protect them from this inhumane treatment. I urge my colleagues to join me in eliminating this method of execution.

The President, by his consistent vetoes, has demonstrated that he is out of step with the vast majority of Americans who have stated their opposition to this procedure.

Mr. Speaker, we must demonstrate our commitment to the wishes of the American people by passing this legislation at this time in accordance with the wishes of the American people. I urge the President to sign this particular ban.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER) who has worked long and hard on this measure. He is a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, this bill, which would ban legal abortion procedures, is deceptive, extreme, and unconstitutional.

The bill has come before us time and time again with the obvious purpose that has been obscured behind the inaccurate and inflammatory picture. Do not be fooled. This is nothing less than an attempt to outlaw all abortion. The bill is so vague that no one is quite sure exactly what we are banning. The courts have not been able to determine it. Similar State versions of the bill are currently enjoined in 18 States.

Doctors have testified repeatedly and courts across the land have found that similarly worded bans can apply to virtually all procedures used in the second-trimester of pregnancy and each to some first-trimester abortions.

Why do not legislators try to simply ban all abortions, then? Because the American people would not stand for it and the Supreme Court would not stand for it.

The proponents of this bill oppose all abortion. They oppose first-trimester abortion. They oppose pre-viability abortion. They oppose Roe v. Wade. They oppose health exceptions. They oppose simple-life exceptions. Some even oppose contraceptives. Just ask them. They represent extreme forces in this country and most Americans reject their rhetoric and their views.

So what is it we have before us, then? A dead bill, a bill that is not going anywhere, a bill that has been defeated more times than the Washington generals.

Every year we point out its shortcomings and drafting errors and they refuse to fix it. And this bill will die again. Why should it die? Because it is unconstitutional on its face, because it does not provide for health exception, because it does not provide for an adequate life exception, because it is vague, because it limits the ability of doctors to offer medical care, because it allows abusive boyfriends to beat their pregnant girlfriends, abandon them, and sue them if they have an abortion.

Why should this bill be rejected? Because it substitutes for a woman's choice a Government mandate.

This bill is about the right to choose. Should the woman choose, or should the politicians choose for her? During the HMO debate, we all agreed that doctors and patients should make medical decisions, not bureaucrats. The same holds true here. Doctors and patients should decide what is the safest, most medically appropriate procedure for an abortion, not the U.S. Congress.

Most of us are not doctors in this House and we should not place ourselves in the operating room between the women and their doctors. I hope the House rejects this bill.

Mr. VITTER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 3660.

It is well documented that partial-birth abortions are widely performed on healthy mothers and healthy babies who might be able to live outside of the womb. In this horrific procedure, a baby is partially delivered feet first and stabbed in the back of head by an abortion doctor, who then vacuums out the baby's brains. The baby is killed only three inches away from taking its first breath and being indisputably recognized under the law as a human being with the right to live.

Mr. Speaker, whether it is my first time or this body's seventh time, I urge my colleagues to do the right thing and support H.R. 3660.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Here we go again, Mr. Speaker. Every election cycle, the Republicans want the House to participate in their ritualistic attack on women and the very difficult choices that they have to make on the issue of choice. The reality of this situation is that this bill would leave the health of women completely unprotected.

In the past 25 years, the Supreme Court has consistently held that a woman's health and life must be protected throughout pregnancy. The court has mandated health and life exceptions to restrictions.

H.R. 3660 flies in the face of the law, the difficult medical decisions that families have to make, and the American people by containing no exception for a woman's health at any point in the pregnancy.

Knowing how extreme their position is on this issue, the Republican leadership allowed no markups in the Committee on the Judiciary, no offer of amendments in the Committee on Rules, and even denied the Hoyer-Greenwood substitute, which would provide for a Federal ban on all post-viability abortions except those needed to preserve the woman's life or to avert serious adverse health consequences.

The Republican leadership says that the Hoyer-Greenwood substitute is too broad. Since when is the preservation of a woman's life too broad? And why would the Federal Government want to impose its will on a family's decision in this very, very difficult situation?

The reality is that H.R. 3660 is too broad. The bill is not about protecting the woman's health. It is about protecting the will of the right wing base of the Republican party.

I would ask my colleagues to vote ''no'' on this politicizing of this issue in this political year. I would ask them to vote ''no'' on the rule of H.R. 3660 and please oppose this legislation that seeks to endanger a woman's life.

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

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

Mr. ROEMER. Mr. Speaker, I thank my friend from Florida (Mr. CANADY) for yielding me the time.

Mr. Speaker, we have heard from a number of my colleagues on the House floor about how difficult this issue is. It is a difficult issue for all involved with very dire consequences.

I join with Democrats, Republicans, Independents, I join with liberals or conservatives that support this legislation to ban partial-birth abortions. I do not think this is a question of Roe v. Wade. It is a question of life v. death for scores of children.

Now, I am not a physician. I readily admit that. I am not a physician. And I am not going to describe on the House floor how horrific or brutal this act is. But what do physicians say when we ask the people that are experts on this issue what they think of this partial-birth abortion procedure?

In 1995, the American Medical Association's Legislative Counsel, a panel consisting of 12 doctors, voted unanimously, voted unanimously, to ban partial-birth abortions.

A group of 300 physicians, joined by the former Surgeon General C. Everett Koop, said, ''This procedure is never medically necessary to protect a mother's life or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

Today, the House of Representatives and the Nation have the opportunity to put value on the sanctity of human life; and I encourage support for this bill.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN) a member of the committee.

Ms. BALDWIN. Mr. Speaker, in 1973, the Supreme Court held that women have a constitutional right to choose an abortion. That decision, Roe v. Wade, was carefully written to hold the rights of women in America paramount in reproductive decisions.

This decision and those that followed have held that women have a constitutional right to choose an abortion. But, after fetal viabilities, States could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

□ 1245

In essence, Roe v. Wade says that women matter, that women have the right to decide whether and when to have children, and that women shall not be forced to give their lives or sacrifice their health to carry a child. It also says that these choices are private, that they are to be made by a woman in consultation with her physician, her family, and whomever else she chooses to consult for counsel. Government has no place in this most private decision.

The legislation before us today is in direct contravention of the court's ruling. It does not ban post-viability abortions as its sponsors have claimed. It bans abortion procedures regardless of how far along in a woman's pregnancy the decision occurs. This legislation as drafted does not provide an exception to preserve the health of a mother as required by law.

Let there be no doubt about it, this legislation is nothing but a political issue. This legislation does nothing to end post-viability abortions as our alternative would. And it does nothing to prevent unwanted pregnancies and to make abortion rarer in the United States. Voters in Colorado, Washington, and Maine have recognized this and defeated similar bans on the ballot. And of the 30 States that have enacted legislation similar to the one before us today, 21 have been challenged in court and 19 of those challenges have been either partially or fully enjoined while their constitutionality is considered.

While I am not willing to concede that this legislation describes a medical procedure that any doctor in this land would recognize, it is important to note that the graphic images being shown and described do not reflect the real life stories of families who have needed this procedure either to save the life or to preserve the health of the mother. As I hear stories from these women who courageously are willing to speak about this most personal decision, when they are willing to talk about the abortion and the medical care they received during crisis pregnancies, I am struck by a common remark these women have made, that these scenarios being described by proponents of the bill are not about them and their families, that they do not represent their cases. The women I have spoken to wanted nothing more than to have a child and were devastated to learn that their babies could not survive outside the womb. They made difficult decisions with their doctors and families to terminate pregnancies, to preserve their own health and in many cases their ability to try to have a child again.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I just have to take issue with the comments that have been preceding this debate. This is not a political issue. This is a human issue. Let me just say this to all of my colleagues who are about to vote on this issue. On the motion to recommit, the health exception is a loophole wide enough to drive a Mack truck through it. The health exception would render this ban virtually meaningless.

Let us just go over what this procedure does. The abortionist forcibly turns the child into the breech, feet first in that position, then the abortionist pulls the living child out of the mother by the leg until only the head is left inside, stabs the child at the base of the skull and sucks out the brain with a vacuum, pulling the now dead child out of the mother.

Mr. Speaker, C. Everett Koop, hundreds of OB-GYNs have told us that this is not medically necessary. In the words of the former Surgeon General himself, from the evidence that has been presented in standard OB-GYN textbooks as well as in the annals of research in OB-GYN, there is no medical necessity for this abortion procedure.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the majority whip got up just a few minutes ago on this floor and said, ''Abortion is a stain on this country. A ban on partial-birth abortion is just the first step.''

Make no mistake about it, my friends. This bill is intended, as he said, as just the first step to banning all abortions. That is why the leadership has chosen this issue, this wedge issue, in this election year with complete disregard to whether or not the bill is constitutional or whether or not the bill can be upheld. Nineteen State and Federal courts have already ruled that the definitions in bills like this one are overly broad and as a result would subject physicians to prosecution if they perform any abortion procedures. We would not be surprised if, even if by some slight chance the bill were upheld, it would effectively end most all abortions in this country. Again, make no mistake about it, that is the true intent of the supporters of this bill. This Congress and the American public have got to recognize and understand that.

Nobody in this Congress wants to see abortions. This legislation denigrates the experiences of women like Eileen Sullivan who was anxious to start her family and was eagerly awaiting the arrival of her baby when she received the horrifying news that her baby would not live. Her doctor decided that this procedure was the only one that could be used to preserve her life and her health and help her have babies in the future.

To pass this bill today is to deny women like her a safe and compassionate procedure when deep tragedy strikes the family. To pass this legislation is to allow the Federal Government to grievously interfere with the doctor-patient relationship and slither its way into the most personal decision a family can make. I urge my colleagues to think rationally and compassionately on an issue that is anything but rational and compassionate before they vote today. To assume that it is easy for any woman to choose this or any other procedure is offensive to all women who face such a heartbreaking situation. And it is indeed offensive to all women to think that they would have this procedure just for fun.

Mr. Speaker, I would ask those considering voting yes on this bill to think of the women in your life. What would you do if the doctor asked you to

choose between your wife or your daughter and her pregnancy?

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

Mr. VITTER. Mr. Speaker, I rise today in support of the children who are killed as they leave their mother's womb. There is no legitimate debate about the nature of this procedure. It has been described and the bottom line remains, babies begin to leave the womb with life, they finish leaving the womb without it because of this procedure. Opponents of the bill decry the way this procedure is described.

Their real problem is that the truth hurts, and in this case it horrifies; and they do not want the American people to know the horrible reality of this so-called medical procedure that even the AMA has said is ''not good medicine'' and ''not medically indicated'' in any situation. Opponents also label those of us who are for the bill as right-wing extremists. But is the AMA a group of right-wing extremists? Is Everett Koop a right-wing extremist? Are the great majority of the American people who strongly support this ban all right-wing extremists? The debate makes clear that opponents of this bill are the fringe in this debate and the extremists in this debate, and the American people know that.

Mr. Speaker, if this body is to have any credibility at all on addressing the issue of violence in our society, we must outlaw this government-sanctioned violence against the most vulnerable and innocent among us.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, we have always heard that there is no rest for the weary. Well, the women in America are weary. They are just plain tired of the constant stream of attacks launched by the Republican leadership against their right, a woman's right to make decisions about their health and their lives. Today marks the seventh time the House will consider this dreadful issue.

Today's assault on women is dangerous. It puts women's health at risk and attacks the core principles of Roe v. Wade. Roe provides American women a constitutional right to make their own health choices and for women to terminate pregnancy up to fetal viability. Roe ensures a life and health exception. But this bill does not. It puts women's lives and health at risk. Roe clearly states that our government cannot force a woman to sacrifice her life or health to protect a pregnancy. Yet my Republican colleagues outrageously want the Government to proceed to prevent doctors from providing the best possible medical care to women.

Let us be clear. Women do not choose late-term abortions as a casual form of contraception. Rather, late-term abortions are a last choice for a woman, when a woman's life or health or the baby's life is terminal or in jeopardy. Further, late-term abortions are the most difficult time and the most difficult decision for a woman and her family to make.

Knowing this, it would appear that the Republicans want to set a precedent before the Supreme Court makes their decision on April 25th on the Nebraska law banning abortions. This law is very similar to this bill. Congress must not legislate on this matter. Congress must uphold the principles of Roe v. Wade and vote against this legislation.

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

Ms. DELAURO. Mr. Speaker, the authors of this bill claim they want to end abortion of a healthy, viable fetus, one that is developed enough to survive on its own. We could have done so. What is truly disappointing and what should anger American women and their families is that we could have passed a bill today that protects the lives of children and protects the health of women. A bipartisan group of Members put a proposal together. The Republican leadership said no. The Hoyer-Greenwood alternative accurately reflects the view of most Americans. It said it would ban abortions post-viability, that is, after the fetus has developed enough to survive on its own; but it makes two important exceptions, that is, if a mother is going to potentially die or if a mother's ability to have future children is jeopardized. The alternative preserves the doctor's right to determine what is the safest and the most appropriate method of treatment in a woman's given case.

By not allowing the opportunity for compromise, the opportunity to pass a bill that the President would sign, that would become law, the leadership has shown that they are more interested in playing politics than in protecting children as they claim to do.

In 1973, Roe v. Wade confirmed one of the most basic rights that we value as Americans, privacy. The case clearly established that women have a constitutional right to choose, to make medical decisions, and that the only point at which a State may enter this equation is after viability. When I listen to our opponents, they would have my colleagues believe that there are women out there who would cavalierly choose an abortion at the very end of her pregnancy, claims that women who have a headache or who want to avoid weight gain would actually choose an abortion at the seventh, the eighth, or the ninth month. To make these claims is to disregard our values as women, our values as child bearers.

□ 1300

How dare you demonize, how dare you trivialize what women in this country do in giving birth to children. We do bear children, and we are the caregivers of children in this country, and it is offensive, and it is contrary to what lies in our hearts and in our minds as women in this country.

Mr. Speaker, this bill would make women's health irrelevant. Though courts have ruled time and again that women's health must be first and foremost, that she is the patient. American women and their families, what they want is a choice to do what is best for them in some of the most tragic situations that they will, in fact, ever face. As a woman who has faced life and death in a health decision, as a survivor of ovarian cancer, I am offended by the accusation that by defending women who do this, we somehow diminish pregnancy. That is why I stand to oppose this bill today.

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

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of this legislation to ban the partial-birth abortion procedure. I encourage all of my colleagues on both sides of the aisle to do so and to oppose the motion to recommit.

I first learned of this procedure in 1993 when I was still practicing medicine. After a long day of seeing patients in my office, I opened the American medical news and saw this procedure first described, and I was shocked. I was shocked by not only its flagrant violation of the sanctity of human life, but its brutality. I have worked in neonate to intensive care units and I have seen firsthand with my eyes how premature babies respond to pain. When it is necessary to draw blood and needles are placed in their arms, I have seen them draw back, writhe in pain and cry out. Dragging an unborn baby, feet first, partially out of the womb is a brutal violation of the privacy of that child. But to then stab that baby in the back of the skull is, in my medical opinion, not only barbaric, it is excruciatingly painful for these poor, unfortunate souls.

Apologists for this procedure claim that it is necessary in situations to protect the health of the mother or in birth defects. But in the original articles describing this procedure, the developers, McMahon and Haskell admitted that the vast majority of the mothers are healthy and the babies are free of birth defects. Of the small number that did have birth defects, the majority of them were cleft lip and cleft palate, clearly a nonlethal, surgically correctable defect that has no justification for subjecting these babies to a painful and violent execution.

I say to my colleagues, I believe that nations of people are judged not by their economic or military strength, but how they care for the weakest in their culture. Nobody is weaker than an unborn child.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, first, in response to my colleagues' assertions, I must say that a health exemption for women is not a loophole, it is a constitutional right, and it is the right thing to do for America's women. I would argue if a health exemption is such a terrible thing to do, why is Governor Bush in my home State of Texas over the last 5 years while he has been in office not made, to my knowledge, any serious effort to close that so-called loophole in our State.

Mr. Speaker, I am strongly opposed to late-term abortions, but when the health of the mother is at risk, that is a choice that should be made by a woman and her doctor, not by politicians in Washington, D.C.

Coreen Costello was a pro-life Republican and mother of three when her pregnancy turned tragically fatal for her child. Her doctors preserved her fertility with the procedure being outlawed in this bill. She then became pregnant again and gave birth to her fourth child.

Listen to this loving mother's words, and I quote: ''Because of this procedure, I now have something my heart ached for, a new baby, a boy named Tucker. He is our family's joy, and I thank God for him.''

Mr. Speaker, it is an insult to the women of America to suggest that they want to kill healthy, viable babies just seconds before normal childbirth, and shame on those who would use a deceptive, politically motivated drawing to suggest that American women are monsters that would kill their viable, healthy babies just as they were being born and to do so for frivolous reasons.

The truth is, the truth is they are rare, but tragic cases, cases like Coreen Costello, where their babies had no chance to live, and doctors used abortions to protect the mother's health and her ability to have a child in the future.

This bill would do great harm to decent, loving women such as Mrs. Costello.

By voting no on this bill, we are saying this to American women: when your health is at risk, you and your doctor should make that choice, not politicians in Washington, D.C.

No Member of this House has the right to substitute his or her judgment for that of a doctor and mother faced with such a rare but tragic situation where a pregnancy is failing and the goal is to save a mother's fertility or health. No Member has that right.

Not one!

It is unfair to the women of America to say, ''When your health is at risk, Congress should decide which medical procedure should be used.'' How many in this Chamber are qualified to make that medical decision for someone else's wife or daughter?

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, some day soon, and I believe this is a matter of when and not if, future generations of Americans will look back with horror, incredulity, and astonishment that some of the best and brightest of this present age vehemently defended the slaughter of over 40 million babies by abortion.

They will wonder how a seemingly sane, enlightened, and compassionate society led by its President, Congress, the media, academia and the courts could have so aggressively embraced violence against children and the abandonment of their mothers.

With a mix of sadness and disbelief, future generations of Americans will absolutely marvel at our blindness and our insensitivity to the inherent cruelty of stabbing, dismembering, and poisoning little children under the euphemism of choice.

What were they thinking, they will ask. How could they have construed the right to privacy to include injections of poisons or the hacking to death by knife or razor blade-tipped curette, so as to procure the death of a child. How could so many have remained unmoved or silent in the midst of a holocaust that claimed the lives of one out of every three babies in this country, 40 million boys and girls, a number roughly equal to five times the entire population of my home State of New Jersey.

Future generations of Americans, and judging by the polls, super majorities of Americans today are finally, at long last, outraged that thousands of children each year are being butchered by partial-birth abortion. They are beginning to get it. Most people I talk to are outraged that babies who are partially born and fully kicking are legally jabbed in the back of the head with scissors for the purpose of making a hole in their fragile skulls so their brains can be sucked out. Anyone who has ever picked up and held a newborn baby knows how wobbly and fragile that child's head is. You gently cradle the child's neck in your hands to protect the baby from harm. The abortionist, on the other hand, has no such motive. When he grabs the baby's head, it is to stab it and to destroy the child.

Mr. Speaker, partial-birth abortion is a monstrous act of cruelty. Partial-birth abortion is a gross violation of human rights, a barbarous form of torture directed at a defenseless baby girl or boy.

The pending bill of the gentleman from Florida (Mr. CANADY) is a desperately needed human rights initiative designed to offer at least a small measure of protection to some babies in a class of human beings who have, since 1973, been legally disenfranchised because of their age, immaturity, or condition of dependency.

Many of us would surely like to save and protect more babies from the violence of abortion; I wish to God we could save more. But I believe we have a moral duty that is not so easily satisfied to save at least some, as many as we can, at every opportunity.

Mr. Speaker, this bill is a very, very modest step in that direction to save at least some.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

Ms. SCHAKOWSKY. Mr. Speaker, as a woman, a mother and grandmother of girls, I am deeply and personally offended by this legislation. It implies that American women just have to be stopped from frivolously deciding to terminate a pregnancy just days or weeks before delivery. It has been stated on this floor that these pregnant women have not explored all of the medical and surgical options to save their babies or protect their own lives, and it takes politicians to stop them.

Mr. Speaker, the truth is, the women who have late abortions are forced to end wanted pregnancies, either because the baby will surely die, like Kim and Barry Koster's baby that had no brain, or the women will seriously jeopardize their own life and health. Women are portrayed as irresponsible baby killers when in fact it is the sponsors of this bill who show utter disregard for the life and health of women.

President Clinton, in vetoing one of the former versions of this bill said quote, for these women, this was not about choice, not about deciding against having a child, these babies were certain to perish during or shortly after birth, and the only question was how much grave damage was going to be done to the women.

This bill implies that the current law allows women to have abortions up to the last minute before delivery, but that is not true. Despite all of the rhetoric to the contrary, Roe v. Wade strictly limits abortions after viability, and the Hoyer-Greenwood alternative would have made that even clearer.

This is not about one procedure or even late-term abortions. This bill is so broad and so vague that it would ban most abortion procedures including some first, and all second and third trimester abortions, and that is the goal. To reverse Roe v. Wade and take away from women what the Supreme Court calls ''The most intimate and personal choice a person may make in a lifetime, choice essential to personal dignity and autonomy and central to the liberty protected by the 14th amendment.''

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

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

Mr. COBURN. Mr. Speaker, I am amazed at what I just heard, and I want to tell my colleagues that medically, what we just heard is an incorrect, inaccurate statement.

This procedure is never used in first trimesters, it will have no effect on first trimester abortions whatsoever. That was the implication. The Kansas data for the first 3 months of this year

show that what the gentlewoman from Illinois just stated is not true. The Kansas data shows that, in fact, these were viable infants with no significant medical complication.

So I do not deny that I want every abortion in this country to end, but that is not why I am supporting this. This procedure harms women, and there are several other procedures under which the same end result could be accomplished.

So let us keep clear what the facts are here. Babies without brains can be delivered other ways than this way at a whole lot less risk to the mother. Do not lose sight of that fact. There is no question I am not much of a politician, but I am a physician, and I have delivered 3,500 babies and I have cared for women with complications from this procedure.

Let us stay on what the issue is. The issue is, women who have children that are nonviable can, in fact, have a termination under another method. Number two, under the laws of Kansas, as now is happening, viable fetuses and babies are being terminated with impunity when there is no cause to do so.

The other thing to think about, we are not talking about mature women making these decisions, because most of these are teenagers who end up showing up and telling their parents about a pregnancy when they are 24, 25 weeks along. I heard an earlier speaker say about the 7th month. Well, let me tell my colleagues, by the 6th month, babies are viable. We now say babies at 22 weeks. So let us keep the facts about the procedure in line.

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

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this bill, which is an attack on women's health and the constitutional rights of women.

Let us put this vote in perspective. We have already voted on this 7 times. Since 1994 when the Republican majority took control of Congress, there have been 141 votes on choice; on this floor, 112, 79 percent, resulted in an antichoice loss for women.

□ 1315

Each of these votes that are chipping away, chipping away at a woman's right to choose are detailed on my Choice Report which is located on my web site.

This bill does not take into account women's health exceptions. It has no viability threshold, and does not allow a doctor to recommend the best medical procedure for a patient.

The women who follow their doctor's advice and undergo these rare procedures are women who have had to come to terms with pregnancies that have tragically gone wrong. The new majority likes to talk about getting government off their backs, yet here they want to replace a doctor's expertise with a governmental judgment in the most personal of decisions.

Doctors and their patients should make medical decisions. Congress has no place politicizing family decisions and family tragedies.

As the mother of two children, I would have wanted the choice in the event I learned late in my pregnancy that my fetus was so deformed that it was incompatible with life and that my reproductive health was at risk, and also at risk, my ability to have future children. I would have wanted that choice, and I want that choice for every woman in this country.

Vote no on this bill.

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

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

Mr. Speaker, I rise today as a strong advocate for this bill and a strong advocate for the human rights of all Americans, both born and unborn. This Nation must raise the value of life if we are to survive as a Nation and prosper as a people.

This procedure is so horrible, so inhumane, that there should never be a debate over whether or not to protect the lives of these helpless babies. Can Members imagine that it is legal to partially deliver a fully formed child, a child that can survive outside the mother's womb, lying in the doctor's hand, only to kill it by one of the most brutal methods known to man?

But today I want to stress that in passing the partial-birth abortion ban, we must be wary of the so-called serious health exceptions. These health exceptions become a loophole through which even more partial-birth abortions are performed.

The most dangerous of these exceptions is the mental health exception that can even allow for partial-birth abortions in the third trimester, a time in which even the most avid abortion rights activists agree that a fetus, the baby, can live on its own.

The mental health exception essentially nullifies the ban on partial-birth abortions, as by its very nature the criteria can be so vague.

Mental health excuses in today's society are so notoriously footloose. How many of us have taken a day off of work or school for mental health reasons, usually because it is a good day at the beach or we feel like sleeping in? Unfortunately, in passing a mental health exception, precious life itself is held to the same laissez-faire standards.

I am embarrassed to say that because of the mental health exceptions, my home State of Kansas is on its way to becoming the partial-birth abortion capital of the Nation. In 1998, the Kansas legislature passed a partial-birth abortion ban much like the one we are discussing today. However, there was an exception in the case of mental health concerns.

Since passage of the law, partial-birth abortions have not ceased nor have they been decreased. Instead, partial-birth abortions in the State of Kansas have risen by more than 300 percent, all of them because of the mental health exception.

I urge my colleagues to vote against the exceptions and for the final passage.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to this bill, and I urge my colleagues to stay out of the doctor's office and leave the medical decisions to the medical profession.

This is a bad bill because it is anti-family. This bill ignores the health of the mother, and instead it jeopardizes a woman's chance to have a healthy baby in the future.

Let me be clear, a third trimester abortion is an extremely rare procedure. In the State of Florida, we had 25 of these procedures performed last year. Let me give an example of why.

A 31-year-old pregnant woman discovered at 31 weeks of pregnancy that her fetus' brain had grown outside of his head. The baby would not live outside of the womb, and the enlarged head made a regular delivery a dangerous procedure for the woman. This is a woman who wanted a child and a woman who wanted a family.

I ask my colleagues to allow these women to protect their bodies so they can have healthy babies in the future. Let us leave the medical decisions to the medical professionals. This is a bad bill, and I urge Members to vote against it.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by reacting to something said earlier. I come from a State, Wisconsin, which is one of those States that overwhelmingly passed a ban on partial-birth abortions, a law very similar to the one we are taking up today, although perhaps a bit tougher. It has been upheld twice, so let us be clear on the constitutional arguments. It is not as the opponents portray.

It is interesting, some of the tenor of the debate today. Some people are upset that we are taking this bill up because it is inconvenient. It is perhaps annoying to them. I have heard reference that we should not be taking this up because we voted on it seven times before or eight times before. Of course we should be here. We must be here, and we must be here each and every year until this practice is gone.

As long as two-thirds of Americans, a supermajority, want this horrible practice to end but the administration and the abortion industry will not listen, we should be here. As long as so many States have outlawed this but the administration and the abortion industry will not listen, we should be here. As long as thousands of these horrible procedures are performed each and every

year, we should be here. Absolutely, we should be here.

If we fail to take up this cause today, then the other side might just get comfortable. Maybe they will believe that we have lost our resolve, that this matter does not matter to us anymore. Sure we face a tough road ahead. The abortion industry is strong and the White House is not on our side. But if we do not stand up, who will?

I urge all of my colleagues to oppose the motion to recommit and to vote for this very important bill this year, next year, every year until this procedure is gone.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, it is not inconvenient to take this bill up. I would be happy to take this bill up every day of the week for the rest of the year. What is inconvenient is the procedure with which we are taking this bill up. The procedure finds the democratic process, which is the essence of this House and this Nation, and it finds the Constitution to be inconvenient. That is what is inconvenient about this.

Mr. Speaker, my colleague, the gentleman from Kansas, just wanted to have a debate about the mental health exemption. The way that the Republican majority has drafted the rule and drafted the bill, that is a moot point. There is no debate about mental health because the majority does not want to debate a health exemption.

We in Texas think there ought to be a health exemption, Democrats and Republicans, and 40 States think there ought to be some form of a health exemption. But the Republican Congress, which on some days wants to devolve power from the States and other days wants to take it back, whatever is convenient, does not want to allow the debate. That is what is so dismaying about all of this.

My colleague, the gentleman from Wisconsin, said, we have done it all these years. The problem is it has happened for two cycles, two Congresses, and it has been vetoed. Why not open up the process? I do not think my Republican colleagues are necessary antidemocratic, little ''d'' democratic. Perhaps they are if it is an issue that is inconvenient to them.

That is the problem with the process in this bill. I find that quite dismaying.

The other problem is the unintended consequence of this bill. It has to do with the health of women. This bill supplants the right of women to choose with their doctor what their health procedure will be, and it only affects one instance.

The gentleman from Kansas and the gentleman from Oklahoma, who is a doctor, who I gather only wants us to take one doctor's opinion, even though I think everybody in this House would want to have multiple opinions if given the opportunity, is telling us that there is a rampant case of late term abortions.

A majority of us agree, and we asked you to bring a bill to allow an amendment to come to the floor. But the gentleman, the gentleman from Florida, who is smiling at this point, apparently did not want to allow the Hoyer-Greenwood bill to come to the floor. I am not sure why. Maybe it was too democratic of a process. Maybe it might have gotten a majority of votes.

Let us debate it. Let us debate what health really is. We have had that debate with the Patients' Bill of Rights, which of course now is stalled in a conference committee. But this House is not allowed to have that debate. Why is that? Because of politics. This is all about politics.

We are charged with the duties of writing the laws of this Nation. We can have very serious disagreements about it, but each Member, not a handful of Members but each Member, should have the right to do it.

What the Republicans have done today is dismaying and it is inconvenient to the rule of order in this House and to the Constitution. That is what is the problem today.

Mr. Speaker, I rise in opposition to H.R. 3660, the ''Partial Birth Abortion Ban Act of 2000'', a measure that is probably unconstitutional, certainly bad policy, and will likely do little to end late term abortions.

First and foremost, Mr. Speaker, this legislation represents the triumph of raw, partisan politics over substance and the regular order of this House. If the leadership was serious about limiting late term abortions, not just this one procedure, they would have allowed for amendments to be offered including H.R. 2149, the Hoyer-Greenwood-Taucher-Johnson ''Late Term Restriction Act,'' of which I am a cosponsor. Instead, the Republican leadership brought this twice-failed bill to the floor without consideration by the Judiciary Committee—no amendment, no report, just a meaningless political vote. The Republicans are putting politics over policy.

The unintended consequence of H.R. 3660, if it were to become law, is that it would supplant a doctor's judgment as to the best medical procedure to protect a woman's health or save her life with the judgment of Congress. We in Congress are not medical professionals with the expertise to make these difficult decisions. Moreover, I am also dismayed that the entire debate on this issue appears to have been designed to stiffle open discussion and prevent consideration of alternative legislation.

I am deeply troubled by post-viability abortions that are elective and not for health or life of the mother. Accordingly, I am cosponsoring a compromise that is consistent with the Supreme Court's rulings on the difficult issue of abortion. The gentleman from Maryland, Mr. HOYER, and the gentleman from Pennsylvania, Mr. GREENWOOD, have introduced a bipartisan bill, H.R. 2149, that would ban all post-viability abortions, not just one procedure, except those needed to preserve the woman's life or to avert ''serious adverse health consequences.'' Americans want medical decisions to be made by doctors. This legislation would require the doctor to determine—under the threat of litigation and civil penalties—whether continuing a pregnancy posed a serious threat to the woman's health. H.R. 2149 provides a clear, humane, and necessary exemption when there is a serious threat to a woman's life or health.

This compromise bill is consistent with the Supreme Court's Roe v. Wade decision and its progeny. It is consistent with state law in 40 states, including my state of Texas, as well as the District of Columbia. In Texas, as in other states, late-term abortions are banned except when the woman's life or health is threatened. I believe our legislation is consistent with the views of the American people. And I believe it is the right of and humane thing to do.

Unfortunately, the majority has gone to great lengths to block any debate and vote on this compromise. Instead, they want to force a vote only on the extreme measure before us. The timing of this vote is questionable in light of the fact that the Supreme Court is expected to rule before the end of this legislative session on the constitutionality of a similar measure originating from Nebraska. Apparently, my Republican friends are more interested in scoring political points than addressing a genuine concern about late-term abortions.

We will hear a lot of debate about how often this procedure is performed; but this issue isn't about numbers. It is about each individual woman who faces the awful choice when she is told that her life, health, or ability to bear children is endangered by her pregnancy. The decision about what medical treatment and procedures are best for that woman should be made by her and her doctor, not the Congress of the United States.

Four years ago, proponents of this measure opposed providing a health exemption for the life of the mother. Just as then, they today argue that a health exemption for the mother, which forty out of fifty states provide, is too wide a loophole. Moreover, they refuse to debate the issue or even propose a limitation of the definition of ''health of the mother.'' Rather, they are telling American women that their health does not matter because it conflicts with the Republican Party's political goals. How shameful is that?

We can limit the number of abortions while protecting those few women who face both the loss of a child and the ability to bear other children; just as forty states have already done. We can have a compromise that would ban late-term abortions, but show understanding and compassion for women who face these most wrenching decisions. However, the Republicans have blocked us from considering it and today turn their backs on these few women purely for political reasons. That is wrong.

Ultimately, I must vote against H.R. 3660 because it is fundamentally flawed and would put at risk the life, health, and fertility of women facing one of the most difficult, anguished, and personal decisions imaginable.

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

To respond briefly to the gentleman's point about the Hoyer-Greenwood bill, let it be understood that the Hoyer-Greenwood proposal is not even germane to the bill under consideration. That was the ruling of the Chair. That was straight from the Parliamentarians in the last Congress.

Let it also be understood that the Hoyer-Greenwood proposal, by its own language, would not prohibit any abortion if, in the judgment of the attending physician, the abortion is necessary to avert serious health consequences to the woman.

The key language there is ''in the judgment of the attending physician.'' That gives the abortionists unfettered discretion to decide whether the procedure would be performed or not.

The proposal that the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD), my good friend, have come forward with is a proposal that is meaningless. I do not question their motives, but I will have to say, the result of their proposal is to ban not a single abortion at any point in pregnancy.

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

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 3660. I have heard some startling debate on this floor delivered by women who believe that the government, the Congress, has absolutely no business in their personal lives. They believe that the government has no business in their doctor's office.

Well, let us talk about where the rubber really meets the road. That is, our first responsibility as lawmakers is to protect life, whether it is to build a strong military defense system to keep us protected from foreign invasion, or whether it is to build a system of laws that keeps that helpless baby from being invaded as it is being born.

I rise in strong support of this bill because I remember that in the Declaration of Independence it clearly states that, we hold these truths to be self-evident, that all men are created equal, and they have been endowed by their Creator with certain inalienable rights: the right to life, liberty, and the pursuit of happiness.

I take that seriously, Mr. Speaker. Yes, our responsibility is to protect life.

I have also heard the debate that there are medical necessities for this procedure. I have to quote former Surgeon General Dr. Everett Koop when he said that ''In no way can I twist in my mind to see that the late term abortion as described is a medical necessity for the mother. It certainly can't be a medical necessity for the baby.''

However, these are precisely the arguments that we are hearing today. The defenders of this very deplorable act of partial-birth abortion argue that it may be a medical necessity. This is distorted thinking. Let me speak in their words exactly what they say a medical necessity is, by definition.

In 1993, William Hamilton, the vice president of Planned Parenthood, stated that ''medical necessity'' means ''anything a doctor and a woman construe to be in her best interest, whether prenatal care or abortion.'' And the National Abortion Rights Action League is even more outlandish in their definition of ''medical necessity.'' They say that ''it is a term which generally includes the broadest range of situations for which a State will fund an abortion.''

The truth is, Mr. Speaker, the defenders of partial-birth abortion have no interest in seeing the term ''medical necessity'' defined in a proper context. For them, abortion has become something that must be defended at all costs.

□ 1330

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I regret when we debate serious issues, somebody can stand up and make a comment that clearly is not true, and there is not the opportunity to give and take.

The gentleman from Florida (Mr. CANADY) is a bright man. The gentleman is well educated. To say that my agreement prohibits no abortions is absolutely, on its face, ludicrous; it prevents all late-term abortions.

Does it have any exception? Yes. The gentleman presumably is a well-educated individual that knows the Constitution of the United States and knows the constitutional edicts from the Supreme Court. The gentleman knows his bill is not constitutional; that is the irony of the gentleman's contention.

In fact, the Hoyer-Greenwood alternative is the only alternative that prevents abortions. Joe Scheidler of the Right to Life Committee, I say to the gentleman, says not of myself, not of the gentleman from Pennsylvania (Mr. GREENWOOD), not to any of the other cosponsors, Joe Scheidler says your bill will not stop one abortion.

Why? The gentleman pretends he is not even listening; perhaps this is not important to him.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, if the gentleman would yield himself the time.

Mr. CANADY of Florida. The gentleman wanted to yield to me.

Mr. HOYER. I retain the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I see that the gentleman does not want to yield me the time.

Mr. HOYER. Mr. Speaker, cute debating tricks on the floor will not hack it, I say to my friend. Germaneness will not hack it; hiding behind a parliamentary procedure, which says we are not going to allow the amendment because it is not germane, when the gentleman knows that the Committee on Rules could say it is germane, because we want to debate it.

The gentleman's amendment will not prevent it, and the gentleman from Oklahoma (Mr. COBURN) said so on the floor today. How did the gentleman from Oklahoma (Mr. COBURN) say it? He said because if you preclude the procedure of the gentleman from Florida (Mr. CANADY), there are three other procedures to accomplish the same objective.

The gentleman from Oklahoma (Mr. COBURN) said it. He said it less than 3 hours ago. The gentleman from Florida (Mr. CANADY) cannot get around that.

If the gentleman from Florida (Mr. CANADY) is going to be intellectually honest, this is a purely political bill. This is a serious issue. We ought to deal with it seriously. We should have had full debate. We should decide between ourselves what the legitimate options are that we can accomplish within the Constitution to protect the health of women and protect the lives of babies.

Your rule did not do that. Your bill does not do that, and the debate undermines the quality of this discussion. It is unfortunate.

My friends, I tell you, that this legislation that we proposed, the gentleman from Pennsylvania (Mr. GREENWOOD) and I, is the only piece of legislation which would have adopted a policy in the United States of America, which 40 States have adopted, which say that we are opposed to late-term abortions, post-viability abortions, the State should make that criminal.

Do we make exceptions? Of course. Why? Because the Constitution and Supreme Court have said we must, and we should.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume to respond to the statements of the gentleman from Maryland (Mr. HOYER).

I would simply point the Members of the House to the language of the gentleman's proposal, which vests the discretion to determine whether the abortion will be performed or not in the hands of the abortionists; that is what the language is. That is undeniable.

It says, it does not prohibit any abortion if in the judgment of the attending physician, the abortion is necessary to avert serious adverse health consequences to the woman. I read that before; that is the language of the bill. It is important to understand, that in putting the gentleman's proposal in context, something that Dr. Warren Hern of Colorado has said, and this is not a leading authority on abortion, a leading abortionist. He has written a textbook on late-term abortions.

And this is what he said, and I quote him, ''I will certify,'' Dr. Hern said, ''that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.''

It is clear that when you vest that discretion, as the proposal of the gentleman from Maryland (Mr. HOYER) would in the abortionists, no abortion will be ruled out. It will be up to the abortionist. If the abortionist decides, the abortion will be performed.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, when I scheduled this bill for the floor, I knew that it was going to be a difficult debate. I understood there would be angry words. I knew there would be finger pointing and accusation.

It is not a pleasant debate, Mr. Speaker, because today we are debating a very, very cruel and ugly subject. We are debating whether or not this Nation will tolerate a procedure that takes a baby, forces that baby from the womb, tears the baby's head open, and sucks out its brains.

We are debating whether or not this Nation will tolerate such cruelty, whether there are other procedures or not. Let us keep the focus on this horrible, frightening, cruel, beastly behavior. We have all experienced childbirth. We have all been through it in our own lives, and we have seen our children go through it in their lives, whether it was me with my little baby or my son with his little baby, that exciting moment when we reach over and when we touch our wife's stomach and we feel that movement, when she tells us about the movements that are there; there is a live baby in that womb. When we put our ear down to hear the heartbeat, when we see the sonogram and we see the little arms, the little legs and the little features, and finally in that magic moment find out if our baby is a boy or a girl, that is a live baby in that womb. It has feelings.

We all talk about and we stress with great emphasis the importance of prenatal care in the life cycle of a baby's health, because we know it is alive. We know it needs protection and security. It needs every help it can have. It does not deserve to be treated at the very inception of its life with a cruelty that we would never suffer on to a dumb animal.

If you cannot see the cruelty, the abject, inhuman cruelty of this procedure, then I fear for you. There are others that would say, why subject us to this debate, where Members will come down and show the charts, show the graphs, show the cruelty and describe it in vivid and lurid detail. Why put us through this discomfort? Well, our discomfort here is nothing compared to the discomfort of that baby.

Still they persist. Why make us make this vote, suffer this debate, when we know the President will veto it and there will not be the votes to override the veto?

They are asking us here on this floor today, those of us, myself, the gentleman from Florida (Mr. CANADY), others, who have so much of our heart invested in this and so much of our tears and prayers have been shed for these babies, why do we try when we know we cannot possibly succeed?

Mr. Speaker, that same question was put to Mother Teresa. That same question was put to our sainted Mother Teresa. Her response, Mr. Speaker, was, my job and my responsibility is not to succeed. My job and my responsibility is to try.

Bless us, those of us from both sides of the aisle, bless us for having heart enough, passion enough, compassion enough, faith enough, to try our very, very best to end this horrible, cruel, brutal treatment of what must be God's greatest pride, the most innocent beautiful baby.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, the majority leader is correct, this is a very personal, touching matter; but I rise in strong opposition to this bill, this so-called partial-birth abortion ban. This bill continues a troubling tendency that we have seen in this Congress, the tendency for Congress to try to practice medicine. Whether it is legislation prescribing pain management or stonewalling on patients' rights or restrictions on a woman's right to manage her own reproductive health, this Congress has again and again tried to come between patients and their doctors.

Patients make life and death decisions with their doctors every day, with cancer, with renal disease, with neurological disease, and any other number of conditions. Many of these decisions are not easy and not pretty. Surely pregnant women deserve no less protection of their rights than others. In short, this bill is an insult to women, and doctors should not be subjected to additional criminal sanctions in this area.

Now all of us would like to see fewer abortions performed in this country, and that is why I support education and prevention programs to help families avoid unwanted pregnancies; but the question of whether or not to have an abortion is one of the most difficult decisions any woman can face. Reproductive health care is a personal, ethical, and medical matter that should be left to individuals, their doctors, and their families without interference from the Government. This legislation should be rejected.

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

Mr. BACHUS. Mr. Speaker, when the partial-birth abortion ban was before this Congress last year, the opponents of the act accused the proponents of offensive conduct. What was that offensive conduct? What was that bad taste that they accused the supporters of the bill of being guilty of? It was of describing, of accurately describing, they admitted that the proponents accurately described the procedure, the act, and they said that offended them. They said it was a sorry spectacle for people to accurately describe what happened to these late-term babies in their mother's womb.

They said it was offensive conduct to describe how these babies' bodies were dismantled, how they were mutilated, how their young lives were ended.

Let me say that is a sorry spectacle to describe such an act. As a civilized society, we should not have to describe such an act because it should never occur. Is it not ironic that the very people who say what a sick thing to do, what an uncivilized thing to do, what outrageous conduct, that they are the very people that rise in this body and defend the very act?

This act has no place in a civilized society. It is a violation of our God-given dignity.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER), a member of the committee.

Mr. WEINER. Mr. Speaker, this is the second time of this debate, and there has been clearly very deep divisions in this House about how to proceed with it; but, in fact, I think that when we get behind some of the details there is an enormous amount of consensus in this Nation on this issue. Despite the previous speaker's contention, there is very little debate about the idea that this procedure is one that the we should try to avoid. There is very little debate about the idea that abortions in general happen too frequently and we should try to reduce their numbers any way that we can.

□ 1345

That is a righteous cause. That is something that we should pursue. That is why so many of us support the idea of increasing family planning and education and counseling.

There is no doubt that it is desirable to reduce the number of abortions in this country. But there is also broad consensus in this country that the health and welfare of the woman is also something that needs to be protected.

The Supreme Court spoke to this eloquently in that very difficult decision. Roe v. Wade did not set up a perfect system by any ways, but one thing the court did say very clearly was that the woman's right to her health and well-being exists throughout her pregnancy.

When a recent poll was taken of the American people, even people who fervently believe that abortion was something that should be outlawed, they believed by numbers in the neighborhood of 80 percent that the woman's right to health should be included as an exception.

So why is it that the majority in consideration of this bill has, not only said that they oppose that, but they said we will not even allow it to be considered on this House floor. They will not even allow an option to be brought before this House that might close some of these gaps, that might make it easier for those who agree with the gentleman from Texas (Mr. ARMEY) in his

statements about how terrible this procedure is, give us an opportunity to form a bipartisan consensus to perhaps reduce the number of truly unnecessary abortions if they are existing.

The reason was made clear earlier in the comments, eloquent and frank by one of the foremost leaders in this House against a woman's right to choose, the gentleman from New Jersey (Mr. SMITH). He said it, he departed a little bit from the party line on this, but spoke frankly and earnestly. He said this is about getting the camel's nose under the tent. This is about starting the process of chipping away at a woman's right to choose her own health care, a woman's right to choose, a doctor's right to choose. He has been honest and frank about this that he believes there should be no abortions in this country, and this was the first step.

This is why the American people see this effort today as being so pernicious. This is not about trying to find a solution to a difficult problem. This is about chipping away at a woman's right to health care.

If we were truly going to be honest about this, we would say exactly what this is. This is a political exercise for the seventh time. This is not about finding that group that the Majority Leader eloquently spoke about. This is not about truly finding a solution to this problem because we had a vehicle to do that, and the Republicans opposed it.

We should oppose this measure today, but we should make it clear that, if we protect a woman's right to choose, all of our minds are open.

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. WAMP).

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

Mr. WAMP. Mr. Speaker, did my colleagues know that when one puts a frog in a pot of water and sets it on the range and slowly turns up the temperature, the frog will stay in the pot and boil to death without jumping out. But if one puts a frog in a pot of boiling water, it will jump right back out. So it is with our world today.

The self-indulgence of our society causes the stark contrast between right and wrong to be clouded so that we actually, as a society, tolerate these type issues.

Mr. Speaker, few politicians have credibility on the major moral issues of our day. So who does? The Majority Leader mentioned Mother Theresa, probably the most Godly life in the world during the 20th century. She said this, ''I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love, and we remind ourselves that love means willing to be willing to give until it hurts.''

She said, ''Many people are also concerned about the violence in this great country of the United States.'' She said, ''These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today: abortion, which brings people to such blindness.''

She said, and I continue to quote, ''The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things, to love and to be loved.''

She closed by saying, ''We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. This is what happens when we tell people to practice abortion.''

Mr. Speaker, this great Nation finally recognized that slavery was wrong, and we did something about it. This great Nation must now recognize that abortion is wrong and adoption is the option. Let us love our children, and the world will be a better place.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on Judiciary, for yielding me this time.

Mr. Speaker, I rise in opposition to this bill. I am sorry to say that in reviewing it it really adds up to a sound bite, because we are not debating women's health and what can be done. We are not casting a constructive, critical eye at what can be built in terms of a system in this country about this issue of abortion. It is a word that none of us celebrate. We understand that every time an abortion takes place in this country, that it spells failure in some way, shape, or form.

But it is a debate today about women's health. Even the gentleman from Illinois (Mr. HYDE) in his amendment has an exception for rape and incest, an exception, and it deals with an exception to what my colleagues are posing today.

This bill, in order to understand what it does, I think my colleagues have to understand first what it does not do. It does not outlaw a single method of late-term abortion that my colleagues keep repeating over and over again known medically as intact dilation and extraction. It does not distinguish between abortions performed before or after viability. It does not include any exceptions for abortions where the life or the health of the mother is at risk.

Do my colleagues think that life is tidy for women in this country? Have they ever heard of a pregnancy that has gone wrong? Have they ever looked at or read about the cases where the fetus is growing without any brain tissue? Do they think that mothers just go right down the path of celebrating and saying we are going to abort this pregnancy? That is an insult to women in this country. Have my colleagues ever seen how women's bodies are carved up when it comes to a mastectomy?

What is this Congress doing about women's health? Today's debate, Mr. Speaker, because we are pro-choice some of us does not mean that we are pro-abortion. We understand that the life and the health of the mother needs to be taken into consideration. That is what Roe v. Wade says.

It is not a celebration of abortion. We do not like it. We know that education, that family planning, that all of these things, and investment in research in women's health to prevent these things are the most important.

So I rise in opposition to the bill because the bill does not speak to any of these things. It is a political sound bite, and it is a sad day in the House of Representatives.

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

Mr. ADERHOLT. Mr. Speaker, today, as we are considering the Partial Birth Abortion Ban Act, I want to commend the gentleman from Florida (Mr. CANADY) for sponsoring this legislation. The time has come for us to take firm and decisive action against this deplorable procedure.

Our last attempt to ban partial-birth abortions failed, but we must continue to do everything in our power to save these innocent lives.

But do not take my word for it alone. Listen to the voice of the medical professionals as has been said in here before today. A number of high ranking members of the medical community have voiced their strong opposition to partial-birth abortions.

As has already been stated that C. Everett Koop, former Surgeon General, ''Partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

Dr. Pamela Smith at Mount Sinai Hospital in Chicago has stated that the abortion methods used in this procedure are associated with a range of complications, including extensive bleeding, infertility, and even death. The majority of partial-birth abortions are performed on healthy mothers and healthy babies.

The American Medical Association itself has stated that they could not find any identified circumstances in which the procedure was the only safe and effective abortion method.

A ''yes'' vote is a vote to protect the lives of women and children. It is really that simple. I ask my colleagues to join me today and to send a strong message of protecting the lives of mothers and infants. Because the greatness of this Nation that we live in

is not measured by the Dow Jones Industrial average, it is not measured by the gross national product. The greatness of this country is measured by the character of its people, the integrity of its leaders, and how we as a Nation treat those who are most innocent and who are most vulnerable.

I would say that the unborn fits squarely into the middle of that category.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. CANADY) has 12½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 10½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member, for yielding me this time. I rise in strong opposition to the so-called Partial Birth Abortion Act.

Mr. Speaker, everyone in this room knows that if this Congress succeeds in this misguided attempt to play doctor, not one abortion will be prevented. This is a very sad debate today. Abortion is a failure in every respect. We want to keep them safe, and we want to keep them legal.

But when they are medically necessary to save the life of the mother or to protect her future fertility, would not one want one's daughter to have that option or one's wife?

It is so sad also, because this body has been prevented from debating the Hoyer-Greenwood substitute or amendment which would declare what we all believe, that no one wants late-term abortions, and that we would only agree to this procedure in the case of life of the mother or future fertility of the mother.

So to bring charges against a doctor for saving a mother's life or her future fertility and the family that she would like to have is cruel and unusual punishment. I urge my colleagues to vote against this legislation.

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

Mr. CHABOT. Mr. Speaker, I grew up in the age before Roe v. Wade. In those days, the idea of killing a baby in the womb because it was inconvenient would not even occur to the average individual. Elective abortion on demand, taxpayer funded abortions, no way. Certainly never in my wildest dreams would I have thought that one day I would be standing on the floor of the United States House of Representatives arguing against a practice in which a defenseless little baby, partially delivered, and moments before taking its first breath outside the womb, would be stabbed in the skull by an abortionist who would then extract the baby's brains, causing the skull to collapse, killing the powerless child. Sadly, that is how far we have come in the last three decades, or should I say that is how far we have fallen.

The American Medical Association says about partial-birth abortion, it is ''not good medicine'' and ''it is not medically indicated in any situation.''

We often hear from Members of this body talking about helping the little guy, looking out for the little guy. Well, I would say to my colleagues on the left, this is their chance to look out for truly the little guy and the, oh, so little girls, the helpless, the defenseless, the powerless, the most vulnerable of all of us. This is their chance to finally put a stop to such senseless assaults on those who cannot defend themselves.

Mr. Speaker, those of us who support this legislation hold little hope that our President will see the light. He has made his pact with the extremists in the abortion industry and their vocal accomplices. But we cannot ever concede this issue. We can never surrender.

Let us have a powerful show of support for this legislation. Let us send a passionate message to the President that there is no place in a civilized society for the barbaric practice of partial-birth abortion. Let us cast an overwhelming vote in favor of innocent human life.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

□ 1400

Mr. GREENWOOD. Mr. Speaker I thank the gentleman for yielding me this time.

Why are we here today? What are we doing here? The advocates of this legislation have said that we are here to save lives, to prevent abortions. But that is not true. It is not what we are doing here. This bill is going to be vetoed, as it has before. And there are not the votes in the United States Senate to override that veto, and there is no one in this Chamber who will honestly argue otherwise. No one will stand up after I do and say, oh, this is going to become law; this will have an effect in America, because they know it is not true.

No, this is all about politics. It is not about saving lives. It is not about winning hearts. It is about saving seats in the Congress. It is about winning seats in the Congress. It is not about making law. It is about making noise.

If the advocates of this bill wanted to make law, they had their chance earlier today. They would have supported the right of the gentleman from Maryland (Mr. HOYER) and myself to offer our amendment. That is how we make law. Our amendment would ban the so-called partial-birth abortion and all form of late-term abortions. But it would have made exceptions, reasonable exceptions that Americans support; exceptions to prevent the loss of life of the mother and exceptions to protect the health of the pregnant woman when it is seriously, seriously, and that was the emphasis of our amendment, seriously at risk.

But the problem that the supporters had with our amendment is it probably would have passed; would have been signed into law. We would have made progress in reducing the number of abortions in this country. We actually would have accomplished something besides a lot of sound and fury. But, instead, once again, we play abortion politics. We confuse the American public, and we prove once again that politics overrides policy.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, an inquiry of the author of this bill.

Many of us have watched the gentleman's presentation on the floor. The term partial-birth abortion, to a layman and to most physicians, would be perceived to be what is called dilation and extraction. Is that the procedure that the gentleman intends to outlaw with this bill?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The gentleman is correct.

Mr. BILBRAY. Reclaiming my time, Mr. Speaker, is there any other procedure related to abortion that it is the gentleman's intention to outlaw with this bill?

Mr. CANADY of Florida. If the gentleman will continue to yield, the answer is no.

Mr. BILBRAY. Mr. Speaker, I appreciate the clarification on this very, very important line of demarcation between the woman's right of choice and the outlawing of this very, very hideous procedure.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I rise to oppose the bill and to express my grave disappointment that we are having a debate that could have been avoided if only policy had won out over politics.

If my colleagues were truly interested in good public policy that would become law, we would be debating the Hoyer-Greenwood bill, a superior alternative that provides the most broad-based restriction on late-term abortions of any bill being considered in the House; a proposal that ensures that no healthy woman, with a healthy fetus, can terminate her pregnancy in the third trimester regardless of the type of procedure used.

I strongly support these restrictions and always have. But for the life and extreme health threats to the mother, I know of no compelling reason to terminate a pregnancy at this late stage, and the Hoyer-Greenwood alternative would have banned all such procedures. Equally important from a good public policy perspective is that it would have

become law. The President has said that he would sign those tough standards set in Hoyer-Greenwood.

But rather than to work to enact meaningful restrictions on late-term abortions, which we all agree should be limited, we are again engaging in a purely political debate. My Republican colleagues even oppose what Governor Bush, the candidate for President, has governed under in Texas, which has a law that is even broader than Hoyer-Greenwood. It says that no abortion may be performed in the third trimester on a viable fetus unless necessary to preserve the woman's life or prevent a ''substantial risk of serious impairment to her physical or mental health, or if the fetus has a severe and irreversible abnormality.'' That is the law in the State of Texas. That is the law that Governor Bush has been operating under during the last 5 years as governor of the State of tax.

It is a law similar to the 40 laws that have been passed in the different States that have such meaningful late-term abortion restrictions. It is what Hoyer-Greenwood would have given us the opportunity to do. But my Republican colleagues chose politics over policy, and they are not saving one life with their legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL)

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

Mr. Speaker, this is all about politics. Everyone knows that the President is going to veto this bill, and there are not sufficient votes in the other body to override. So why are we doing this? The Republican leadership has decided this is an election year, let us once again put up this bill and let us try to get emotions flying.

Make no mistake about it, my colleagues, this is the start of attempts to erode Roe v. Wade, an attempt to drive women to the back alleys where abortions will not be prevented but will be performed under unsafe conditions resulting in the deaths of many, many women.

I cannot understand my Republican colleagues who profess, on the one hand, to say that the Government should get out of private lives; that the Government should not intrude on personal decisions, but they want the Government to intrude on the most personal decision made between a woman and her doctor, her family and her God. Makes no sense to me whatsoever.

I would like to tell a personal story. Six years ago my wife gave birth to a beautiful boy named Phillip. Many of my colleagues know him. It was a pregnancy that was unplanned; that was not expected. He is 7 years younger than my youngest child. My wife became pregnant at age 40 and gave birth at age 41, and we were concerned about the risks. I am pro-choice; my wife is pro-choice. We are not pro-abortion. There is a difference. We made the choice.

The choice was to have this beautiful child. There was much testing, there was much heartwrenching, and he is the apple of my eye. But every woman, every family, every couple has the right to make that personal choice, particularly if it should involve the health of the mother. And having no exemption in this bill for the health and well-being of the mother, I think is an attempt by this body to impose its will on the most personal decision that a wife or a husband and wife or a family will make.

This bill ought to be defeated.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes to inquire of the distinguished manager of the bill, the gentleman from Florida (Mr. CANADY), if it is not true that he has circulated a letter about the same bill, then numbered 1833, to our colleagues in which he said that ''this bill bans any abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery. The ban would have the effect of prohibiting any abortion in which a child was partially delivered and then killed no matter what the,'' he calls, ''abortionist decides to call his particular technique.''

In other words, the gentleman is saying that his ban would apply to any abortion method. Does the gentleman recall the letter that was circulated?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The statement in the letter is absolutely accurate.

The terminology that happens to be applied to the procedure is not what is at issue. It is a matter of fact, however, that the procedure which exists, which is used, which would come within the scope of this bill is the dilation and extraction procedure, which we just discussed in the colloquy with the gentleman from California.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, this is a general description that is being used, and the ban would, as the gentleman said, have the effect of prohibiting any abortion in which a child was partially delivered.

Mr. CANADY of Florida. If the gentleman would further yield, the language of the bill has been changed since that letter was circulated to make clear that the child actually has to be partially delivered not just into the birth canal but outside of the mother's body. And the only procedure that does that is the one I have described.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining; and then the gentleman from Florida (Mr. CANADY) will have the closing statement.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I rise in strong opposition to this bill, and I do so arm in arm with the people of the First District of the State of Washington, who, when presented with an initiative 2 years ago to do what this bill does, rejected it soundly 60 percent to 39 percent.

Now, why did the people of the First District do that? They are uncomfortable with late-term abortions, as we all are. So why did they reject the exact bill so adamantly that the majority now proposes? Two reasons. They have common sense, and they got it.

They understood and understand that this bill and that initiative could ban the woman's right of choice at any time during the pregnancy, at any time taking away that woman's right of choice which has been constitutionally recognized. They got it. Some do not get it here.

Secondly, they had the common sense to understand that a woman's health rights ought to be recognized if we are going to pass statute. It is common sense that a woman's health ought to be taken into consideration, which this bill does not recognize one iota. They rejected that, and America rejects this bill because it is an exercise in politics rather than in policy.

And let me just say one thing personal to my friends across the aisle. We would do much better for American, and we would prevent many more abortions if we spent more time preventing teenage pregnancy than making political statements.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) has 9½ minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Speaker, I cannot imagine any subject more important than the one we debate today. This debate is not about religious doctrine or even about policy options. It is a debate about our understanding of human dignity, what it means to be a member of the human family, even though tiny, powerless and unwanted.

Yesterday, we discussed organ transplants, another life-and-death issue. But today's debate goes beyond that to the issue of whether one radical medical procedure, called partial-birth abortion, is an acceptable exercise of a woman's right to choose. And by the way, that choice is either a dead baby or a live baby. That is the choice, whether it is a woman's right to choose or whether it is the surgical butchery of what a prominent pro-choice Senator called infanticide.

We are knee deep in a culture of death. The cheapening of life is demonstrated in the high school shootings,

the coarsening of our national conscience by our entertainment industry, the fact that since Roe v. Wade in 1973 there have been 35 million abortions. We are knee deep in a culture of death.

I should ask the people who support this procedure to forgive my use of the word abortion. I know they dislike that harsh word. They prefer euphemisms like termination of a pregnancy. Every pregnancy terminates at the end of 9 months. Or ''removal of the products of conception.'' And the word killing is to be avoided like the plague. So the little infant is not killed, but rather ''undergoes demise.'' But as the great heavyweight boxer Joe Louis said about his one-time opponent Billy Conn years ago, ''You can run, but you can't hide.'' And we cannot hide from the ugly reality of partial-birth infanticide.

To those who think that the phrase ''sanctity of life'' is too theological, although we are kind of comfortable with the sanctity of an oath or the sanctity of a contract, I suggest the notion of human dignity is interchangeable and appropriate.

□ 1415

Now, the Declaration of Independence, an awkward document in this debate, proclaims the right to life is an endowment from the Creator and is an inalienable right.

Have my colleagues ever seen a doctor have a card that says ''eyes, ear, nose, throat, and abortionist?'' Somehow, there is something bad about that word. So when an abortionist plunges his scissors into the back of the neck of his tiny, squirming, struggling-to-live victim, he has obliterated and utterly irrevocably destroyed that little infant's right to life and his human dignity.

Oh, we posture, we pronounce about human rights, everybody's human rights, whether in China or Serbia or Colombia. Well, not everybody's human rights, because we deny any rights to the target of every abortion.

PETA, People for the Ethical Treatment of Animals, God how I wish we had one for humans, especially the tiny, powerless, defenseless ones who find themselves innocently inconvenient.

We talk about our birthright. By what right do we steal anyone's birthright? But that is what happens in every abortion. We treat the unborn as a thing, desensitized, dehumanized, depersonalized thing, to be discarded with the other junk.

Charles Peguy, a French novelist, once said, ''If you possess the truth and remain silent, you become the accomplice of liars and forgers.''

So long as we tolerate this dehumanizing procedure, so long as we do not draw a line in the sand, we become guilty accomplices in the slaughter.

Lady Macbeth can speak for us when she says, ''all the perfumes of Arabia will not sweeten this little hand.''

Everyone in this Chamber, everyone in this Chamber, has ancestors that reach back in an unbroken chain of humanity through forgotten millennia to the first man and woman. And so, we here and now are alive because our ancestors successfully ran the marathon of life, surviving wars, famines, floods, earthquakes, disease, the four Horsemen of the Apocalypse. But they survived. They endured through it all.

What a cosmic tragedy for this little one four-fifths born to have his life snuffed out as he is about to cross the finish line of that millennia long marathon.

But here at the beginning of the 21st century, have we traveled very far from those societies who behead their criminals? And what crime has this tiny, struggling, four-fifths born infant committed? The crime of being unwanted.

Oh, we have unwanted people, the homeless. But they have eyes to weep with. They have voices to cry out with. And when we do pay attention occasionally, we provide them with shelter. But not the little ones about to ''undergo demise.''

I recommend my colleagues avert their eyes and take solace in the fact that the torture of partial-birth abortion takes only the time it takes to stab the little baby in the back of the neck and the little flailing arms and legs stiffen at the moment of truth.

Look, in this advanced democracy, in the year 2000, is it our crowning achievement that we have learned to treat people as things? We are not debating policy options. This is a debate about our understanding of human dignity. Our moment in history is marked by a mortal conflict between a culture of life and a culture of death.

God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.

When Napoleon died, somebody said, God finally got bored with him. I really am afraid God is going to be bored with us, especially if we do not put that line in the sand.

Support this excellent bill. Step back from the abyss.

Mr. SCHAFFER. Mr. Speaker, today is a sad day. The Members of the House of Representatives are forced to confront the President and overwhelmingly approve a ban on the abhorrent abortion procedure known as partial-birth abortion. Mr. Speaker, the President has repeatedly vetoed this legislation. Our goal is to unequivocally end this immoral, unhealthy and unnecessary procedure. Congress passed bans on partial-birth abortions in both the 104th and 105th Congresses. And today, in the second session of the 106th Congress, the House will once again express its will—the voice of the American people—that partial birth abortions be stopped.

Since 1995, thirty states have enacted laws banning partial-birth abortions. Although many of these laws have not taken effect because of temporary or permanent injunctions, they clearly indicate the growing national movement against the frivolous waste of human life and the culture of death. Lifestyle should never come at the expense of Life.

Mr. Speaker, one of the reasons Congress must continually defend the lives of unborn children from abortionists is the Roe v. Wade decision. This is a subject about which I am particularly concerned. I hereby submit for the RECORD my address delivered to the Pregnancy Resource Center of Northeast Colorado, Fort Morgan, Colorado, on January 22, 2000.

27 YEARS OF ROE V. WADE

JUSTICE TO ALL LIVING HUMANS, BORN AND UNBORN

In just a few hours our planet will have made its 22nd full revolution since that long anticipated night when we ushered in a new millennium, a new century, and a New Year. I'll admit now, I was a bit anxious about the whole ''Y2K'' thing, although outwardly, I dismissed the predictions of power outages, water shortages, and financial crashes as ''silly.''

Just before we were to leave for a New Year's Eve party, my wife Maureen returned from the grocery store to find me on the back porch filling up my daughter's swimming pool and some five-gallon cans with water. ''What are you doing out here in the cold?'' she asked. ''Oh!'' I said embarrassed. ''Checking for leaks.''

I turned off the hose and rushed in to help my wife put away the groceries—which included about $50 worth of batteries! Now, you have to understand, she holds a Ph.D. in Electrical Engineering. When she gets nervous, I get nervous. She said, ''Well, we just never seem to have them when we need them, and, by the way, good thinking on the water.''

Of course we now reflect on the turn of the millennium with a certain amount of amusement and remember all those TV news anchors grasping for things to say, reaching for laborious words to fill up the air time which might otherwise have been devoted to disaster. It turned out like the opening of Al Capone's safe. Nothing there. Nothing remarkable. Nothing changed. Our lives went on uninterrupted. Our world just kept revolving.

And here in America, our country was still the only country on the planet to recognize abortion as a constitutional right—a right that has been exercised 40 million times since it was first fabricated on this day in 1973. Despite the benevolent advice of our government, which it mandates be printed on every bottle of holiday champagne, the very unborn babies we are urged to protect still face more than a 1 in 4 chance they won't even make it out of the womb.

This 22nd day of the millennium marks the 27th year since Roe v. Wade, when our government stripped from the unborn child the fundamental Right to Life. Prior to that, fetuses were still babies, and the Constitution protected them, just like the Declaration of Independence suggests it should.

Somehow, those black-robed despots of the Court presumed to know better than God Himself. For 197 years, America had always accepted as ''self evident'' and true ''that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, among them are Life'' and all the rest.

Tonight I want to congratulate this Pro-Life Alliance assembled here, because you have not abandoned that opening precept of our American Declaration. Nor have you abandoned the self-evident Truth that, regardless of the opinions of Washington, D.C.'s elite, the natural, God-given Rights of the unborn are still very much in force.

Your very presence here tonight reinforces it. Your money, your time, and most of all, your prayers are all testimony to the unifying force of the Creator and the true benevolence of Divine Providence. Indeed, it

was 2000 years ago that He revealed to the world the way of victory over death, through a Child.

And it is because of the promise of the Christ Child that we know, beyond a shadow of a doubt, that God hears our prayers for all souls. He hears our prayers that His mercy be generously dispensed upon the souls of the unborn, the souls of their mothers, their fathers, and even their executioners and all those who, through their own weakness, have become the counselors of darkness.

Our prayer and our mission here tonight is for life. Friends, the simple fact is, at abortion mills across the country, there is simply too much death, and too much violence. It is wrong, and it must stop. Whether perpetrated against the unborn, or any other human being, violence and premature death is always wrong.

The Greeks used to say ''in prosperity it is very easy to find a friend, but in adversity it is the most difficult of all things.'' I'm most fortunate to have some good friends here tonight who are not afraid of adversity, and I'm honored that they're here, especially, State Senator Marilyn Musgrave. She is one of the true heroines of Colorado politics, and among the strongest voices at the Capitol for those least able to defend themselves.

I'm extremely pleased to see young people who are concerned about human life, because I think the single most important responsibility of any society is the transmission of values from one generation to the next. That is of critical importance in a free society. We understand freedom, and true freedom means making choices that have real impact.

Self-government means that we make decisions that literally shape the future. Imagine that, God the Creator of origin allows us to be the creator of the future. We shape the world. The powerful meaning of that is perhaps articulated best in the Fifth Book of Moses, more commonly called Deuteronomy. Here, God says, ''I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore, chose life, that you and your descendents may live.''

Now, let me tell you how politicians read this.

Most politicians read Scripture like a set of statutes. There must be some loopholes in here, right? Maybe we can send this to the Rules Committee with a ''motion to instruct'' that will make it easier to deal with if and when it ever comes time to vote. Perhaps this really doesn't matter as long as a quorum is not present.

Well, as a politicians and a Christian, this verse really speaks to me. It reminds me of the media. Let me repeat it. ''I call heaven and earth to witness against you this day.'' I have lots of friends who are reporters. I've developed a certain level of camaraderie with some of them. Eventually you feel comfortable talking off the record about politics, personalities, and ideas—just shooting the breeze.

But when that reporter switches on the tape recorder, or flips open the notebook, it's time to get serious. My actions are now a matter of, well, a matter of record. Deuteronomy tells us the choices we all make are recorded in heaven. I remember quite vividly when my high school religion teacher described this within the context of ''free will.''

The verse continues, ''I've set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live.'' You see God gives us the widest latitude in deciding. And more often than not the choices He gives us are black and white, polar opposites, sometime diametrically opposed: Life vs. death. Blessing vs. cursing. In these and lesser cases, the choices we make are important not just for ourselves. No, these choices are eternal and have an impact upon those who follow us.

As a United States Congressman, I'm asked to make lots of these big decisions. The challenge is to make choices that will make the future brighter than today. Those choices are not always easy to make. Being a leader is sometimes unpleasant.

When our leaders are unable to evaluate profound decisions within the proper context of ''life or death, blessing or cursing,'' they are prone to consult their pollsters. In fact, these kinds of policymakers are sometimes pejoratively referred to as ''poll vaulters.''

Poll vaulting is when you take a public opinion poll, find out where everyone's going, use the poll to vault yourself ahead of the crowd. When the crowd finally arrives at the point you're at, you say, ''I was here first. I'm the leader.''

If you think I exaggerate let me describe this advertisement from a political trade magazine. Across the top it says, ''ABORTION! Right to life? Women's rights? State laws?'' The copy says, ''As an elected official, do you really know what your constituents think about these issues? Legislators can't afford to be out of step with voters on this emotional issue. Let us design and conduct a survey of voters in your district, to help you develop your position on this most divisive issue of the decade.''

Friends, this is what's sick about Washington. This is not leadership. This is poll vaulting, and today we see elected officials in the highest offices in the land conducting polls every day to measure what they think we want to hear, and to carefully calculate the exact language so as to say it precisely right. What America needs are fewer politicians telling us what we want to hear, and more leaders who profess the truth.

It seems so simple, until you realize, our failure to address this phenomenon in our Churches, Synagogues, businesses, in the media, and yes, even our failure at the ballot box, has resulted in 40 million abortions. Friends, this is no small matter. And frankly, we should be winning because all the advantages are on our side.

Since our politicians read the polls, let's see what the polls say. First, let's get beyond the ''pro-life, pro-choice'' labels. You can give me a parachute and drop me out of a plane anywhere in America. In three of the five places I might land, the first person I see when asked, ''are you pro-choice,'' will answer ''yes;'' because ''choice'' is a powerful word, and no one wants to be against choice. That, by the way, goes for me. Yes, I'm pro-choice. The more choices the better as far as I'm concerned. In fact, in order to choose you must first be alive which is another reason I oppose abortion.

Now, The Chronicle of Higher Education recently found that among 250,000 entering college freshmen, support for legal abortion is at its lowest level since 1979. At UCLA, for example, 53.5 percent said they agreed abortion should be legal. That's 3% down from the previous year. I mention UCLA because I thought the number would be much higher there.

A 1998 New York Times/CBS poll found only 15 percent of Americans believe a woman should be permitted to have an abortion during the second trimester of pregnancy. Only 7 percent of women should be permitted to have an abortion during the last three months of pregnancy.

A recent Wirthlin poll found only 21 percent believe that abortion should be legal for any reason during the first three months of pregnancy. Only 9 percent feel abortion should be legal at any time during pregnancy and for any reason.

Most encouraging is that same Wirthlin poll found most Americans believe abortion should not be permitted after signs of life can be detected. A lopsided 61 percent disagree with the statement ''abortion should be permitted after fetal brainwaves are detected.'' Fifty eight percent agree with the statement, ''abortion should not be permitted after the fetal heartbeat has begun.''

What that says friends is that most people in America understand that choosing an abortion is a choice of diametrically opposed outcomes—that it should not be taken lightly. And don't think for a minute the value of human life is not considered. And that is an admission that, with rare exception, we all recognize the termination of a human life, and we all know it.

The beating of a heart. I saw that just a month ago. At the Schaffer house, we're all excited. Our fifth baby is due one month from today, on George Washington's birthday.

I went in for the well check with Maureen. I told the doctor I'd never seen an actual ultra sound. I'd only seen the still photos. He wheeled the cart in and said, ''what do you want to look at?'' I said the whole enchilada, head to toe. That's just what I got to see.

I counted all ten toes, fingers too. In fact I saw a hand opening and closing. I'm no doctor, but it looked to me like little George is a Georgette. Doctor Hoffman pretty much agreed but wouldn't guarantee. The girls seem to be pretty modest even before they're born and this one didn't make it easy to see. At any rate, my wife tells me I better come up with a better name. My apologies to any Georgettes in the audience tonight.

I gazed at that ultrasound screen, and watched in real time, our baby's heart beating, just as it has been beating ever since somewhere between days 18 and 21, which is before most women find out for sure they're pregnant.

And I thought to myself, 40 million tiny beating hearts. How can any sane society tolerate 40 million abortions? Have the people at NARAL, NOW, and Planned Parenthood seen one of these ultrasounds? I'm sure most of them have. All my ''proabortion'' colleagues in the Congress? Do you suppose they've seen one of these? Surely they must have.

Then why does it seem like there's so many more of them and not enough of us?

I'll tell you why. The pro-abortion movement in America has plotted a campaign-style strategy that assumes we are all idiots. They want us to believe women are somehow degraded when caring, compassionate people talk about the Rights of their offspring.

Unfortunately, it seems the first people to buy all that baloney are politicians. Just yesterday, the Rocky Mountain News ran a story about an abortion rally that took place this week on the Statehouse steps in Denver.

One of the people I serve with in Congress was pictured there and quoted saying, ''We can't afford to be complacent.'' According to the News, ''he added he wanted to make sure his 9-year-old daughter would have the same freedom of reproductive choice enjoyed by women today. 'Our daughters are counting on us.'" Well I say, our daughters are indeed counting on us, but not for more abortions.

Well, the first thing we need to do is quit feeling like a minority and start acting like a majority, because we are. We need to stop blaming the media, stop blaming Planned Parenthood, because we know on any given day a strong majority of Americans agree with us. And if we can't convince our neighbors that nothing in our society is more important than human life, then we are simply not trying hard enough.

Our greatest weapon is the truth. Dr. John C. Wilke, who before becoming president of the National Right to Life Committee, was president of the Ohio Right to Life, first impressed this upon me. He came to my high

school in Cincinnati. I was proud to march beside him in Washington, D.C. 20 years ago in the annual pro-life march on the nation's capital.

He taught about the fundamental truths that relate to abortion. No matter what your faith, your culture, or even your opinion about abortion rights, there are certain undeniable truths.

Fact: From the moment of conception, this being is alive. It is not dead. In fact, the more science knows about fetal development, the more science has confirmed that the beginning of any one human life, biologically speaking, begins at the union of his father's sperm and his mother's ovum, a process called ''conception.''

Fact: This being is distinctly human with 46 human chromosomes, male or female (not an ''it'') complete, alive, and growing. These live human beings possess the ability to change our lives, change our communities, and to change our world. That's not a condemnation. That's a tribute to human existence, and it is awesome. And since the 1960's we have raised a generation that places less importance upon the awesome responsibility of creating a child. Even in this room, how many of our own children understand this sacred act—a man and woman becoming one in the same flesh, sanctified by God, the result of which is human life?

Oh we might have said the words, and had the discussion with our kids, but look what we're competing against. They're bombarded everywhere they turn with secular messages that promote destruction over life.

It's everywhere, at school, on the internet, on the radio, the TV, it comes in the mail, from the neighborhood. Even my mother, gave my 12 year old twin girls some stupid book about boys as a gift. I had to take it away, but that's a story I don't need to get into. There are even some ministers of the Gospel who will preach that the quality of one's life is of equal or greater concern than life itself. I don't deny that quality is important, but if quality comes first, then we have invented a formula to end world hunger, homelessness, disease and suffering by simply killing all those afflicted. If quality is supreme, then abortion rights activists have invented a doctrine that justifies even the most horrific mass executions throughout the history of human civilization.

Friends, our battle is for the truth. This war will not be won by the Supreme Court. It will not be won in Washington. Yes, there are some battles there to be won or lost but the real contest for the heart must be won in communities like ours all across the country.

Even Jesus Christ Himself said, ''render unto Caesar that which belongs to Caesar, and to God what is God's.'' The souls of the children belong to God. Take it from me, the bureaucracy does not care. The bureaucracy cannot love. I was there at that famous National Prayer Breakfast when Mother Teresa lectured the President and the Congress. There is no such thing as an unwanted child she said. If you don't want your child, ''give it to me,'' she said. True to her word, her Sisters of Charity have never turned away an unwanted child.

Fortunately for us the founders understood this. They even understood Deuteronomy, the concept of free will. They built a government upon the belief that Americans should be trusted while acknowledging there would always be treacherous risk that some Americans would make the wrong choices. But total freedom is also the only way for the people to keep their government honest and frankly, the only chance for true honor, integrity, and virtue to exist—the very kind of qualities heaven and earth have been called to record this day against us.

You know, sometimes doing what's right is just hard work. Actually, it usually is easy if you think about it, but sometimes it's very difficult, inconvenient. God knows this.

If we're going to be concerned about whether a child lives, then we also have to be concerned about the rest of her day when she's 2 years old, 6 years old, 9 years old, and so on. That's what crisis pregnancy centers are all about, and that's why we're here tonight. We know that if any child is mislead to believe his life, at any time, didn't matter, or doesn't matter, or might not matter, then we have loosened the ties that all children need to their community, to one another, to their mother, and to God. Abortion dissolves this bond, and without it children will inevitably turn against their parents and other children.

Let me begin to close by bringing us back to what we have failed to communicate to the nation, and where we have failed America in my judgment. We have not had the moral courage to stand up and say that the expense of ignoring the truth is death, misery, human degradation, and the loss of opportunity and dignity for millions of humans.

When people define freedom as an eight-foot bubble on your way to an abortion mill, it trivializes the protective bubble we really ought to be concerned about, which is the womb. What kind of society is it that makes free speech on a public sidewalk a crime, and then dismisses the silent screams of 1.2 million abortions performed this year as matters of privacy?

And I'm sick and tired of the double standard that allows the Clinton administration on one day, to send American soldiers into battle halfway around the globe, because ethnic cleansing is terrible; and then the next day open up the White House to abortion lobbyists. It is their industry that disproportionately preys upon the children of black and Latino mothers, effectively waging a more sinister and more viscous kind of ethnic cleansing right in our own backyard.

When put in that perspective, the people of any country in the world have every right to be as appalled by abortion in America as we are appalled when we see pictures of dead children in the streets of Kosovo. The same people who advocate free needles for heroin addicts, who offer condoms and Depo-Provera to children in Title X clinics behind their parents' backs, who describe ''safe sex'' as anything outside of marriage, and who gleefully tell about the drugs they ''didn't inhale,'' cause people to die.

They're the same ones who have been willing to embrace moral degradation in our schools, and tolerate this pestilent preoccupation with death, and attack the family. These people are just as guilty as the kid who pulls the trigger on his friends.

And for generations we've lacked the nerve and courage to stand up and say, ''I'm not going anywhere until this community is safe for every child!''

This is about our children. It's about human life. Even today, the rest of the world looks to us for security because they've read our Declaration of Independence, and they assume we're serious about it. That's why American troops are deployed to missions all around the planet at this very moment.

And so while our sons and daughters in uniform secure peace and save lives in places like Bosnia, East Timor, Haiti, Kosovo, and Korea, don't you think we owe them the same kind of courage here at home? To show them that what they defend matters? That the truth is for real and it's important?

In 1987 Ted Koppel spoke about truth before the graduating class of Duke University. He explained how ''we have spent five thousand years as a race of rational human beings trying to drag ourselves out of the primeval slime by searching for truth.''

Now this is Ted Koppel, the guy on Nightline . . . a journalist. He said, ''our society finds truth too strong a medicine to digest undiluted. In its purest form truth is not a polite tap on the shoulder; it is a howling reproach.

''What Moses brought down from Mount Sinai were not the ten suggestions . . . they were Commandments. Are, not were.''

Friends, I've spoken tonight for a long time about three things: free will, the ugly truth about abortion, and moral decay.

As a Catholic, I'm a great admirer of the Holy Father Pope John Paul II. Regardless of whether you're a Catholic, his message about the times we are in is one for us all.

This year, the Jubilee Year 2000, is a special moment. For all Christians it is a year of great anticipation, a millennium measured from that first night in Bethlehem that has come to define our very souls. To this day the Nativity shapes our character as God's people on earth.

This is a year for reconciliation within the Church and throughout our society. It is a year for hope and growth. It is a year to emphasize to the world how a Child changed the course of humanity and how 2000 years later He is still the greatest influence on how we live, and how we understand real freedom and real liberty.

Frenchman Alexis de Tocqueville in his great 1835 work Democracy in America observed, ''America is great because America is good, and if America ever ceases to be good, America will cease to be great.'' The British statesman, Edmund Burke wrote his famous quote in 1795, ''All that is necessary for evil to triumph is good men to do nothing.''

The Jubilee Year is our year to do something good, to do something great, to choose blessing over cursing, to choose life over death. Remember heaven and earth are indeed called to record this day against us. And so I ask you to firmly rely upon the protection of Divine Providence. Pledge your lives, your fortunes, and your sacred honor, just as the founders did in that last beautiful sentence of the Declaration. See to it that this Republic for which we stand is truly one nation under God, and that we do extend the full benefits of Liberty and Justice to all living human beings, born and unborn. Thank you.

Mr. GOODLATTE. Mr. Speaker, every once in a while, we as elected leaders are asked to take a stand on an issue that touches the inner-core of our moral obligation to protect the innocent from violent death. Today I rise in support of a reasonable bill to ban a heinous procedure to partially deliver fully formed babies, and then kill them.

The ongoing debate over the ''partial-birth'' abortion procedure gives all of us an opportunity to join together in protecting innocent children from a horrific and gruesome procedure. Only the most calloused among us can hear the description of this procedure and not react with disgust. The overwhelming majority of the American people want to ban partial-birth abortions and no matter what your position is on abortion, this grisly procedure is indefensible in a civilized society.

According to Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, the occurrences of partial-birth abortions is much more frequent than was once admitted, further calling into question the defensibility of this procedure. Clearly, a pattern of deception has emerged regarding how and when this procedure is performed. We do now know that thousands of partial-birth abortions are performed annually, the vast majority

of which are performed in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers.

We must put an end to this barbaric procedure where the difference between abortion and murder is literally a few inches, and the moral implications for our society of allowing such a procedure are profound. This is effective legislation to ban an unbelievably gruesome act. I urge my colleagues to support this legislation to protect those who cannot protect themselves.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to express my support for H.R. 3660, the Partial Birth Abortion Ban Act, as I have done a number of times since 1995. Despite the failure of this Administration to sign this legislation into law on previous occasions, I am pleased this Congress continues to send, by an overwhelming majority, the message that partial birth abortion is wrong.

We continue to debate this issue, even though the facts are quite clear. Partial birth abortion is not a medical procedure. Doctor after doctor has testified that partial birth abortion procedure is never medically necessary. Our former Surgeon General, C. Everett Koop, has gone on to conclude that the procedure poses a significant threat to the mother's health and future fertility. However, giving the benefit of the doubt, this legislation does provide an exception should a case arise when a doctor performs the procedure to save the life of the mother.

Overwhelming support exists to ban partial birth abortions. Since Congress began voting to ban partial birth abortions, numerous state legislatures have voted to end them. The House of Representatives has consistently overridden President Clinton's veto of this legislation, and I am confident we will do so again. However, before President Clinton follows through on his veto threat, I would like him to take another look at the support that exists to ban this abortion procedure, the opinions of doctors and his conscience.

I understand the issue of abortion is difficult for many. Well-intentioned people will continue to disagree. How long, though, can our society continue to justify its denial of the right to life to the defenseless unborn? The value of life has been consistently cheapened. Partial birth abortion is a graphic example of the worst of abortion, in which a child is killed after being partly delivered. Congress must continue to take a stand to uphold the value of life, especially in these instances in which life is so blatantly being destroyed.

I urge President Clinton to take a courageous stand and support this legislation when it is sent to him. I urge my colleagues to continue their support for human life and for a ban on partial birth abortions.

Mr. WU. Mr. Speaker, I rise today to express my opposition to H.R. 3660, the so-called Partial Birth Abortion Ban. This legislation is a direct attack on a woman's right to choose and an effort to undermine support for reproductive choice.

H.R. 3660 endangers women's health by failing to include a constitutionally mandated exception to protect the health of women. The Supreme Court requires that a woman's life and health be protected throughout pregnancy and at no point can a state compel a woman to sacrifice herself. I believe that a woman's health—including her future fertility and mental health—should be protected.

H.R. 3660 is vague, broadly written and will not restrict just one method of abortion but rather, it prohibits procedures which are used in first and second trimester abortions. This is a blatant attempt to legislate health care procedures. This bill restricts a woman's right to choose and lets politicians rather than women and their families make health decisions.

Restricting options for women makes a tragic situation even worse for a woman and her family. Women and their doctors, not state legislators or Members of Congress, should be deciding the best medical procedure.

I urge my colleagues to oppose H.R. 2660 and vote ''no.''

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 3660, a bill to ban a late-term abortion procedure known as partial birth abortion.

I will vote in favor of this legislation, in favor of banning the partial birth abortion procedure, as I have done in the both 104th and 105th Congress. I will, however, vote against the rule, which denies members of both parties the opportunity to offer amendments. This legislation should have been considered under a fair and open rule.

Mr. Speaker, in the end, I believe that the partial birth abortion procedure is a cruel and unnecessary procedure that should be outlawed. Congress must act accordingly and pass legislation to achieve that end.

Mr. KUYKENDALL. Mr. Speaker, in the last few days, my office has been flooded with calls asking me to support the ban on partial birth abortions. If all we were doing today was prohibiting late term abortions, I could support that vote, even as a strongly pro-choice Representative.

The calls have prompted me to evaluate my own history with this issue and to carefully review the language of the legislation before us. Although I have voted against similar legislation in the past, I stated during my 1998 campaign that I would support a ban on late-term abortions except in instances in which the life of the mother was endangered by continuing the pregnancy. This position represents a departure from my previous voting history, but a conscious change that I can accept.

The authors of H.R. 3660 would have all of us believe that that is exactly what we are voting on today. However, after reading the language of the bill, I find that I cannot support this bill. Unlike any other legislation that I have been asked to consider, this legislation permits doctors to be sent to jail for up to 2 years, simply for making a medical decision. There are other enforcement tools available to discourage the use of this procedure without authorizing imprisonment. Those tools include substantial civil fines and the permanent suspension of a physician's medical license. Both of these are strong incentives; we do not need to criminalize medical judgements. With this legislation today, we have guaranteed that medical decisions are not independently made on the basis of the patient's unique health needs, but include a consideration of the criminal consequences.

The legislation under consideration today could have been drafted in a manner that prohibits the procedure, without having to rely on imprisonment as the enforcement mechanism. During my time in the California State Assembly, for example, we considered legislation to ban partial birth abortions. The tool to enforce the prohibition was a stiff monetary fine, followed by the temporary suspension of the physician's medical license. We also could have employed the ''Sense of Congress'' mechanism to express our strong distaste for late term abortions. Or, we could have actually produced a piece of legislation that prohibits the specific, medically recognized late term medical procedure called an ''intact dilation and extraction.'' Any of these legislative vehicles could have been used, and I would have supported any of those efforts, including permanent suspension of a physician's medical license, provided they incorporated an exception where the life of the mother was in jeopardy. Because of the addition of criminal penalties for doctors, we failed to have a meaningful debate to restrict the use of late term abortion procedures. For this reason, I cast a ''no'' vote today and will cast a ''no'' vote to override the certain veto of H.R. 3660.

Mr. BARR of Georgia. Mr. Speaker, I applaud you for ensuring H.R. 3660, the ''Partial Birth Abortion Ban Act of 1999,'' was placed on this session's calendar. It is an extremely important issue we continue to address, yet can't seem to get signed into law; this is unacceptable. Banning the horrendous, barbaric process known as ''partial-birth abortion,'' should be an issue every civilized person should support; whether pro-life or pro-abortion.

Partial-birth abortions are performed very late in pregnancy and involve the forced partial birth of the child, who is then killed by the doctors before completing delivery. H.R. 3660 addresses this practice, by prohibiting medical doctors who perform abortions from using such ''partial birth'' procedures; it also imposes fines or potential imprisonment of up to two years. It includes an exception to prosecution for doctors who can show the procedure was necessary in order to preserve the life of the mother.

H.R. 3660 protects the unborn from the most grotesque form of death imaginable. Passage of this measure would be a major step forward in protecting the lives of those who are most vulnerable. This is limited, but good, decent and necessary legislation; and protects children against a horrible form of death.

I urge you to preserve human life and vote ''yes'' for passage of H.R. 3660.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to ask my colleagues on both sides of the aisle to join me in supporting the partial-birth abortion ban act.

We have a great economy, Mr. Speaker. Everybody's driving around in fancy cars, living in fancy houses, and unemployment is lower than most economists ever dreamed. Yet our culture is in shambles. Kids are killing other kids. Schools are not longer considered safe havens. And we wonder, why.

Mr. Speaker, legalized partial-abortion represents a total breakdown in our society. It says to our children—don't worry, if you don't want to take responsibility for your actions, it's okay to do whatever it takes for the sake of convenience. Right now, it's okay to kill a baby boy or girl as the poor, defenseless child is a third of the way from being completely delivered into this world.

Do we wonder why teens are throwing their babies in dumpsters and in public restroom toilets? Do we need more of a wake-up call than this culture of death?

This is yet another time when I am thankful that I am a Republican, as we are a party

united against the evils of partial-birth abortion. I commend the 70 or so Democrats, including the entire minority leadership, who will stand against the President and the Vice President in defense of innocent human life.

But I challenge my friends and colleagues who are not yet with the nearly 300 Members of the House who support this legislation to have a change of heart. Whether you are for or against abortion—we're talking about infanticide here.

I especially would like to challenge my colleagues on the other side of the aisle who insisted on labeling the Republican Party as somehow ''anti-Catholic.'' If there is one, single bill the Roman Catholic Church has supported with all her might and glory—it is the partial-birth abortion ban act. My party supports it. Join us.

If we are to turn around this culture, we need to change hearts—and laws. What we permit, we condone. What we ban, we condemn.

A clear majority—and in some instances, a supermajority—of Americans condemn partial-birth abortion. Partial-birth abortion is never necessary. Partial-birth abortion is not rare. Partial-birth abortion is not right.

We have a lot of work to do to teach our children on morality and virtues, from infidelity, to divorce, to abortion. All of these things are connected. But we must first start with ourselves. Let's take the first step to turning the culture of this great Nation around. Let us vote—clear and unambiguously—to eliminate the infanticide known as partial-birth abortion.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3660, the Partial-Birth Abortion Ban Act.

Make no mistake about it, this is a political vote and a political debate—a debate fraught with inflammatory rhetoric and distorted facts. The majority knows that the President will veto this bill and are using it as a political football to score points with certain segments of society.

Since we are here, I would like to get the facts straight about this issue. There is no medical procedure called a ''partial birth abortion''—that is a political term made by opponents of choice to distort the issue. There is a procedure called ''intact D&E'' that is used in cases of terrible family tragedy. These are catastrophic pregnancies, when the fetus has a horrible abnormality, or the pregnancy seriously threatens the mother's life or health.

This bill threatens doctors with fines and imprisonment, and prevents not a single teen pregnancy. The vote to pass this bill is a blatant attempt to shelter the hypocrisy of the abortion debate—that the strongest opponents of the right to choose also oppose programs promoting comprehensive sex education and birth control, which actually reduce unintended pregnancies. If they want to prevent abortion, they should improve access to contraception by increasing funding for title X and contraceptive research, and improving access to insurance coverage of contraception. Research shows that these policies have proven the most effective in preventing unwanted pregnancies. Instead, anti-choice Members of Congress would make access to family planning options more difficult, more dangerous, more expensive, and more humiliating.

A decision concerning a woman's pregnancy can't get more private or more personal. Women in conference with their Doctors, not politicians, must decide what medical treatments are the best for them. Doctors decide to carry out the ''intact D&E procedure'' as a last resort. Doctors use the ''intact D&E procedure'' when they believe it is the safest way to end a pregnancy and leave the woman with the best chance to have a healthy baby in the future. Congress should not second-guess their medical judgment.

I ask my colleagues in the majority, who often express their disdain at the Federal Government's involvement in their personal lives, to oppose this bill. I would hope that the majority could get as impassioned about protecting the right of a woman to make a personal choice about her body as they do about a person owning and buying a gun.

Mr. GILMAN. Mr. Speaker, I am disappointed that we have this legislation before us again today. This is the third time this bill has been brought before the House despite previous vetoes and failures to override these vetoes.

This legislation is not an appropriate way in which to address the late-term abortion issue. Abortion is a very serious and personal issue and prior to viability, should be a decision made by the prospective mother, her family, religious counselor, and her doctor. By pursuing restrictive legislation such as H.R. 3660, we are destroying the Roe v. Wade balance between a woman's right to choose and the State's interest in protecting potential life after viability. After fetal viability, States may ban abortion so long as a woman's life and health are protected. Currently some 41 States have laws in place that address abortion after viability.

It is for these reasons, that I have supported H.R. 2149, The Proposed Late-Term Abortion Restriction Act. This legislation provides a Federal ban on all post-viability abortions, with the narrow exception of those needed to preserve the woman's life or to avoid serious adverse health consequences. This bill would ensure that no woman could pursue a legal abortion during the final trimester of her pregnancy if she is carrying a healthy fetus. This legislation leaves the decision in the hands of the doctors, not lawmakers. Americans want medical decisions made by their doctors, as evidenced by their support for health insurance reform legislation that allows doctors final say in the decisionmaking process. In fact, 88 percent of all Americans support a health exception for the mother. The Supreme Court requires that a woman's life and health must be protected throughout her pregnancy; at no point can the State compel a woman to sacrifice her life in exchange for the life of the fetus. The bill gives doctors the ability to make this determination, with the knowledge that if they perform an abortion after fetus viability and without a situation threatening the mother's life, they will be held responsible in criminal and civil court.

Mr. Speaker, I oppose later-term, post-viability abortions, except those necessary to protect a woman's life and her health. And I oppose the manner in which this Congress continues to bring up this issue each year with the knowledge that this bill will be vetoed while there is strong bipartisan support in the Congress and by the President for H.R. 2149, the Late-Term Abortion Restriction Act. Accordingly, I strongly urge my colleagues to oppose H.R. 3660.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 3660, the Partial-Birth Abortion Ban Act. This important legislation reaffirms this Chamber's commitment to the preservation of life—and the rights of unborn babies to be protected from a procedure that is morally unconscionable.

Mr. Speaker, it is time to put an end to this inhumane and cruel procedure that ends the life of a fetus while it is partially outside the body of the mother. Our colleagues who are medical doctors have stated their belief—and others in the medical community have testified—that this procedure is never needed to protect a woman's health and some say it is needed in only rare cases to protect a woman's life. The Partial-Birth Abortion Ban Act makes it a federal crime to perform this particular form of abortion, but it does not prevent other procedures that are considered necessary to protect the life and health of the mother.

The President has vetoed this legislation twice. Twice the House has voted to override the veto, but unfortunately the Senate has been unable to achieve the two-thirds vote necessary to override the veto. Since 1995 we have had fifteen votes in the House on this issue—votes on the rule, votes on amendments, votes on final passage—and fifteen times I have voted in support of banning this procedure. Those of us who support this ban will not give up until this fight has been won.

Mr. Speaker, my record has always been pro-life. I have listened to considerable debate and discussion from the experts on this issue over the years. I have personally talked to many constituents about abortion and pro-life issues, and I have consistently come down on the side of life. Today I will once again come down on the side of life and vote for the Partial-Birth Abortion Ban Act, and I urge my colleagues' support.

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to H.R. 3660, the so-called Partial Birth Abortion ban.

First, we should not be considering a ban on a medical procedure. Doctors are licensed to practice medicine, and they swear to do what is in the best interest of their patients. Members of Congress have no place in this decision, and we should not for the first time in our nation's history outlaw a medical procedure.

Secondly, the bill is much too broadly drafted and would likely violate a woman's constitutionally protected right to choose. The bill is not limited to late term abortions, and the wording of the bill is so loosely written that it could be construed to ban abortions that are currently protected by the Constitution.

Thirdly and most importantly, I oppose this legislation because it does not include an exception for the health of the mother. I am opposed to post-viability abortions. But if a pregnant woman's life is at stake or her health is at serious risk, doctors and patients deserve to have access to a full range of medical procedures to prevent the harm. This legislation does not afford women the protection they need to prevent serious injury, and I therefore will oppose the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you Chairman HYDE for the opportunity to address H.R. 3660, the Partial-Birth Abortion Ban Act of 2000. This act, despite its title is nothing more than an attempt to inhibit a woman's constitutional right to choose.

Although the majority conveniently skirts the issue of the 1973 Supreme Court decision of

Roe v. Wade, this law is still in effect and we must recognize a woman's right to have an abortion especially her life is threatened.

Yes, it is true that technological advancement in the medical field has enabled women to better monitor their pregnancies so that they may bring healthy children into this world. However, some pregnancies may involve problems that may threaten the life and/or health of the mother.

For example, continuing the pregnancy may result in severe heart disease, malignancies and kidney failure. In these situations, when a woman is faced with a life or death decision, she must have the right to make a choice whether to continue her pregnancy.

The procedure referred to in H.R. 3660 has been used to protect the mother's life but many times these late term abortions are primarily done when the abnormalities of the fetus are so extreme that independent life is not possible.

Many times in the issue of abortion we tend to glorify a potential life but refuse to acknowledge the actual living human being that has conceived that life.

This actual living human being has rights enumerated in the Constitution that can not be infringed upon regardless of what type of abortion is being performed especially if it is to save the life of the mother.

If society picks and chooses which type of abortion one should have than once again we are taking away the right of a woman to choose.

I would be amiss I did not highlight the fact that the terminology being employed by proponent of this bill is a term with absolutely no medical or scientific meaning.

On the contrary, this term is a being used solely to enrage and misguide the public. In fact, this term was actually adopted from a speech given by an anti-abortion advocate. Hence, the attempt to assuage our concerns that this legislation is not an attempt to circumvent a woman's constitutional right is simply untrue.

Therefore, I will not use this non-medical term ''partial birth'' abortion, but instead give this bill the title it deserves, the ''Abortion Ban of 2000.''

H.R. 3660 is another attempt to put politics before women's health. The overwhelming majority of courts have to have ruled on challenges to state so-called ''partial-birth abortion'' bans have declared that bans unconstitutional.

Furthermore, six federal district courts have issued permanent injunctions against statutes virtually identical to H.R. 3660 and the Supreme Court is about to review this same issue in April.

Thus, I agree with my Democratic colleagues that any action by Congress would be premature and even mooted by the Court's decision.

Notwithstanding the potentially mootness of this discussion, proponents of this legislation not only mischaracterize the reasons underlying the use of late term abortions, but they failed to even recognize the constitutional rights espoused by the Supreme Court in Roe and reaffirmed in Casey.

The ambiguity of this legislation further frustrates the rights of women in the nation and chills legitimately protected rights.

Consequently, this legislation could essentially ban more one type of procedure because it fails to distinguish between abortions before and after viability.

These are just some of the many problems with H.R. 3660 and these alone should make anyone question the appropriateness of such legislation.

We cannot straddle the fence on this issue. It is either protect the rights of women or take them away completely.

Women have fought hard and long to have autonomy over their bodies and by putting restrictions on what type of abortions she is allowed to receive would put women back in the era of Pre-Roe v. Wade.

By banning partial birth abortions not only are we taking the right of women to have autonomy over their bodies but we are also taking the right of women to live their lives as healthy American citizens and sentencing them to death.

Mr. GREEN of Texas. Mr. Speaker, I appreciate the opportunity to speak in opposition of H.R. 3660. More importantly, on a very difficult decision for women and their families.

The subject of abortion has always been very controversial. The choice of whether or not to have an abortion is difficult and highly personal.

Although I do not personally support abortion, I do not feel that Congress should interfere in this extremely private decision and force its views on women through legislative means.

I can only hope that women faced with this decision would consult with their doctors, families, and religious counselors. This is especially true in the tragic instance where an abortion may become necessary late in a pregnancy.

This ban would leave the life and health of women unprotected. These exemptions have been consistently protected by the U.S. Supreme Court. There is no exception under this ban to protect the mother or her health at any point during her pregnancy.

In fact, Texas law bans all third-trimester abortions, except for those involving the health and life of the mother. I voted for this law when I was in the Texas legislature and would support it now if those exceptions were included.

This bill is nothing but a political maneuver. If the majority was interested in banning late-term abortions, they would allow us to vote on language that is identical to the Texas law. Until then, I cannot support this bill.

Mr. Speaker, I urge a ''no'' vote on final passage of H.R. 3660.

Mr. RILEY. Mr. Speaker, I rise today in total support of H.R. 3660, the Partial-Birth Abortion Ban Act of 2000. This legislation puts an end to this horrific and unnecessary procedure that results in the useless deaths of several thousand children every year.

Mr. Speaker, very little has changed regarding partial birth abortion since we last had the opportunity to take action against it. It is still opposed by nearly seventy percent (70) Americans. Hundreds of medical doctors, including former Surgeon General C. Everett Koop, still claim that the procedure is ''never medically necessary to protect the mother's health or future fertility.'' It is still performed ninety percent (90) of the time after the fifth month of pregnancy. Thirty (30) states still have banned the procedure since 1995. Two-thirds of the House still supports the ban, while the President still opposes the sanctity of human life.

As you can see, Mr. Speaker, the facts are clear. Partial-birth abortion is a brutal and needless procedure that it seems no one besides those in the White House think ought to be legal. I urge my colleagues to recognize our moral obligation to protect the unborn by supporting this legislation before us this morning.

Mr. LEVIN. Mr. Speaker, I oppose all late term abortions with exceptions only when the mother's own life is at risk or to prevent serious consequences to her health.

Unfortunately, we are again considering legislation which fails to provide these vital protections for the mother, a bill which will again be vetoed by the President. In addition, federal courts have blocked fifteen different state laws with similar or identical language because they do not contain health exceptions as required by the Supreme Court and because the term ''partial birth abortion'' has no medical meaning.

I would urge the Majority to allow this House to consider legislation—the Greenwood-Hoyer bill, of which I am a co-sponsor—that bans all late term abortions while offering the necessary and appropriate protections for the mother and that could become law.

Mr. STEARNS. Mr. Speaker, I rise in support of this bill. The rule and bill are fair and allows for an honest vote on the Partial Birth Abortion bill. H.R. 3660 allows for a clear vote in support of ending this heinous practice or a vote against life by opposing this legislation.

It breaks my heart that we have to debate this bill. It pains me that this procedure is being allowed to take place in our nation. I find it hard to believe that my esteemed colleagues can with good conscience oppose this rule or bill.

This bill is not about a medically necessary procedure, it is about abortion extremists pushing our country's moral limits over the edge. When I think of this procedure, I am reminded of the Nazi regime and their depraved view of the sanctity of life and I dread what the future holds for a generation that allows this procedure to occur.

Recently, I heard a compelling argument for banning partial-birth abortion. The question was asked, ''So would you accept the fact that once the baby is separated from the mother, that baby cannot be killed.''

The answer was dodged and was never answered other than, ''A baby is born when the baby is born.''

The discussion continued without ever receiving a clear answer from the advocate of this procedure. Why? Because when pressed, an abortionist can not clearly answer that question and at the same time defend partial-birth abortion. It is a terrible practice that kills a baby, a living breathing human life. If we began doing this to cattle or dogs, imagine the outcry we would hear from PETA and from the same members who defend this practice.

Obviously, the real question is when is a baby born? Is it when a foot is out? Is it when a hand reaches out of the womb? Is a child born only when their head has been delivered? I ask my colleagues that support this procedure to answer that question during general debate—if they can.

Pro-abortionist have no legitimate arguments to stand upon. They want to paint a picture that women are at risk so therefore they should be able to take the life of the child. Let's face it, every pregnancy poses a risk to

the life of a mother. Women by the very act of becoming a mother are unselfishly putting themselves at risk.

We should embrace all life as precious—the old, the young, the disabled, the unattractive and the unborn. How the Clinton-Gore Administration can with a clear conscience veto this legislation is beyond me.

Let's not repeat history and continue this Holocaust. I encourage my colleagues to support H.R. 3660.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Pursuant to House Resolution 457, the bill is considered read for amendment and the previous question is ordered.

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

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

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to recommit the bill H.R. 3660 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 18, after ''injury'' insert '', or to avert serious adverse longterm physical health consequences to the mother''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes in support of his motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I regret very much that this has come to a motion to recommit. That is a consequence of the very lamentable refusal of the majority to allow any amendments to this bill.

Indeed, if I had my preference, this would not be a motion to recommit. There was a consensus measure worked out in a bipartisan fashion by the gentleman from Maryland (Mr. HOYER), the gentleman from Pennsylvania (Mr. GREENWOOD), and others; but it is not germane to the bill.

When the Committee on Rules would not allow that as an amendment, this became our only choice for recommittal. But I offer it, anyway, even though in the eyes of many, even if it passed, it would not make the bill fully acceptable. But it would clearly make it less damaging. Because here is what the bill does in the form in which it was presented.

It says that even if in the opinion of the physician a failure to use this procedure in these circumstances could result in severe physical harm to the mother, he could perform it only at risk of going to prison. It shows how extreme the bill is.

And I stress that because there are many who believe that this is a right a woman should have untrammeled legislatively who think this is too much, this amendment that I offer, of an impingement and would not support the bill. But others would feel differently.

The fact, however, is that the majority is so intent, I believe, unfortunately, on an issue that they will not allow even this amendment. Because I must tell my colleagues that while again this might be to the distress of many, an amendment like this would probably change enough votes so that a veto could be overridden.

If the intention was in fact to minimize this procedure to have it occur only when it was medically necessary, indeed the amendment offered by the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD), the Hoyer-Greenwood amendment, would have been made in order and would have passed. And if it had passed, this amendment would not have been offered.

Failing that, this amendment at least reduces the harm. It is a restriction because it rules out mental health. I believe myself that there are often very good mental health reasons for allowing a woman to undergo this anguishing procedure. But this amendment concedes even that. It says, okay, they believe mental health cannot be trusted. I disagree.

But in the interest of, at least, trying to diminish the harm and draw some lines, we said, okay, can we at least get an acknowledgment that physical health, severe, long-lasting physical health can be a reason for this. And the majority says no.

That is a sign of a lack of willingness to be reasonable. It is a willingness to insist, I believe, on both a procedure, no committee, no amendment, and a bill that is so extreme that even adverse physical consequences to the health of the mother cannot be a reason. So that what we are talking about, as I said, is an issue and not a bill.

There could be a consensus in this House on trying to reduce the procedure and reducing late-term abortions. That is not what the bill does. The bill is a continuation in an ongoing political activity.

I will predict what will happen. The bill will pass. It will be vetoed. The veto override will be held. The veto override will be held so that it can be brought forward at a politically propitious time. And people will then be accused if they vote to uphold a veto of a bill that is very possibly unconstitutional, according to many circuits, they will be accused of a callousness, they will be accused of a disregard.

Well, the fact is that two separate amendments had been offered, which, if either had been adopted, would have led many people to have voted for a bill which would have substantially reduced the procedure either in terms of the physical health or, better yet, in terms of the lateness. Neither amendment was allowed.

If, in fact, people were trying genuinely to minimize this issue, one or both of those amendments would have been voted on and we could have gotten a law. But it is easy to predict what will happen. We will get no law. We will get a veto. We will get an override vote on a veto held late in the Congress.

This is a bill, I said it before and I am going to repeat it, with no committee hearing or markup, a bill which is the subject of severe debate in the courts, where the Federal circuit courts have divided and many have held this sort of legislation unconstitutional, does not even go to committee for the kind of constitutional examination that might help.

Then amendments are rejected, a bipartisan amendment widely supported. I noticed 14 Republicans voted against the rule. By Republican standards, they are a very disciplined lot. That is a great cataclysm, 14 Republicans voting against the rule, in protest against the arbitrary procedure.

So late in the congressional term, we will have a vote on an abortion veto override on a very rigid bill that makes no allowance even for the fiscal health of the mother after a procedure in which there was no committee and no amendment. That is a late-term abortion. It will come late in the term and aborts the legislative process.

Mr. CANADY of Florida. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, let me begin by making the observation that this motion is part of a long line of efforts to divert attention from the reality of what takes place when a partial-birth abortion is performed.

In the course of this debate, which has gone on not only in this Congress but in the two previous Congresses, we have seen attempt after attempt to change the subject, to cloud the issue, to confuse the American people, to mislead the Members of this House.

Now, while I certainly respect the intentions of the gentleman from Massachusetts (Mr. FRANK), I must humbly submit that this amendment is another measure which would simply divert us from what we should be focusing on, and that is the horror of partial-birth abortion.

Now let me point out a couple of things. First of all, the Members of the House should be well aware that H.R. 3660 already contains an exception for partial-birth abortions that are necessary to save the life of the mother. During the course of this debate, it has been suggested otherwise. But for any Members who have any doubt about that, let me simply refer them to page 2 of the bill beginning at line 15, where the exception is stated with great clarity.

Now, second, Members should know that the health exception proposed by the gentleman from Massachusetts (Mr. FRANK) rests on a premise that has absolutely no basis in fact. And that is the premise that partial-birth

abortion is necessary to avert any adverse physical health consequences to the mother.

The truth is that the partial-birth abortion procedure is a rogue medical procedure that is not recognized by the medical profession, was created and is used by a few fringe abortionists, and is never medically indicated to avert any health consequences to the mother.

My colleagues do not have to take my word for it. I would not ask my colleagues to take my word for that. Let us hear what the American Medical Association has to say about the procedure.

In a 1997 letter to Senator RICK SANTORUM, the AMA stated that the partial-birth abortion procedure is ''not good medicine and is not medically indicated in any situation.''

We have heard from other physicians who have made the same point time and time again. Former Surgeon General C. Everett Koop has stated that ''partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility.''

□ 1430

If you do not find those statements by physicians and representatives of the medical profession persuasive, listen to what the abortionists themselves have to say about this procedure. Dr. Warren Hern, one of the Nation's leading experts on abortion who authored a textbook, indeed it is the textbook on late-term abortion procedures, has stated, and I quote him, you really can't defend, those are his words, partial-birth abortion. He went on to say that he ''would dispute any statement that this is the safest procedure to use.'' According to Dr. Hern, turning the fetus to a breech position is potentially dangerous and, again quoting him, you have to be concerned about causing amniotic fluid embolism or placental abruption if you do that. That is what one of the leading abortionists in the country had to say about this procedure which he said he could not defend. So the argument that this procedure could ever be necessary to protect the health of the mother simply does not stand up to analysis.

I would urge the Members of the House to oppose this. Let me bring the attention of the Members of the House back to the reality of what we are talking about in this bill, the reality of what takes place when a partial-birth abortion is performed. Earlier in the debate, I mentioned that at the same stage of pregnancy when most of these procedures are performed, we see heroic efforts undertaken to save the life of the child in the womb. Here we have an example of surgery that is being performed to correct a condition that had been detected in a child in the womb. This was at around 21 weeks. The incision was made in the mother's womb, and the child voluntarily, an action, reaches out and grasps the finger of the physician who is performing the surgery. I ask you, as you consider your vote on this measure, to consider this image. Contemplate the meaning of this child's hand at 21 weeks' gestation reaching out of its mother's womb to grasp the hand of the physician. Consider our common humanity. Reject this motion and pass this bill.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 140, nays 289, not voting 5, as follows:

[Roll No. 103]

YEAS—140

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clyburn
Coburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kelly
Kennedy
Kind (WI)
Kolbe
Lantos
Larson
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pastor
Payne
Pelosi
Porter
Price (NC)
Pryce (OH)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Smith (WA)
Snyder
Spratt
Stabenow
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wu
Wynn

NAYS—289

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand

Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Campbell
Cook
Cox
Crane
Vento

□ 1456

Messrs. HUTCHINSON, DEUTSCH, Ms. BROWN of Florida, Messrs. FORD, WEINER, SWEENEY, HASTINGS of Florida, and THOMPSON of California, and Ms. KILPATRICK, Ms. VELAZQUEZ, Mrs. MEEK of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Messrs. SPRATT, BAIRD, FRELINGHUYSEN, and BILBRAY, and Ms. PRYCE of Ohio, Mrs. McCARTHY of New York, Ms. PELOSI and Mrs. KELLY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). 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. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 141, not voting 7, as follows:

[Roll No. 104]

YEAS—287

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—141

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kolbe
Kuykendall
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Campbell
Cook
Crane
Granger
Portman
Velazquez
Vento

□ 1505

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, I have been informed that my voting card did not register during final passage of H.R. 3660, rollcall vote 104. I intended to vote ''yea'' on passage of the ''Partial Birth Abortion Ban Act.''

Mr. PORTMAN. Mr. Speaker, because of a prior commitment, I was unavoidably detained and missed rollcall vote No. 104 today on passage of H.R. 3660, the Partial Birth Abortion Ban Act.

I am an original cosponsor of this legislation. Had I been present, I would have voted ''yea.''

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be permitted to file a supplemental report on the bill (H.R. 1776) to expand homeownership in the United States.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4011.

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

There was no objection.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

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. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the

Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to states for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those acts, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. 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. After general debate the bill shall be considered for amendment under the five-minute rule. 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. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in the report are waived. 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. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 455 would grant H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000, an open rule, and waives clause 4A of rule 13 that requires the three-day layover of the committee report against consideration of the bill.

Further, the rule provides 1 hour of general debate, divided equally between the chairman and ranking member of the Committee on Resources.

House Resolution 455 makes in order the Committee on Resources' amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point. The rule further waives clause 4 of rule XXI that prohibits appropriations in a legislative bill against the committee amendment in the nature of a substitute.

House Resolution 455 provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole House.

House Resolution 455 waives all points of order against the amendment printed in the report.

The rule also allows the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Further, it 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.

□ 1515

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Wildlife and Sports Fish Restoration Programs Improvement Act of 2000, H.R. 3671, is a bill to enhance the use of funds available for grants to States for fish and wildlife conservation projects and to increase opportunities for recreational hunting, bow hunting, trapping, archery and fishing. The legislation accomplishes this by eliminating opportunities for waste, fraud, abuse, mismanagement and unauthorized expenditures.

The Committee on Resources held three oversight hearings examining the manner in which the Fish and Wildlife Service, through its division of Federal aid, administered and executed the Pittman-Robertson Act and the Dingell-Johnson Act. The hearings of the Committee on Resources made it clear that funds committed for the administration and execution of these programs had not been used for their stated purposes and that there was a general lack of fiscal accountability and management throughout the programs.

H.R. 3671 stops wasteful spending and mismanagement of the wildlife and sports fish trust funds and allows more money to be distributed directly to the States for conservation programs.

The legislation fixes what the GAO called, quote, ''one of the worst managed programs it had ever encountered by increasing accountability and restricting the administrative use of funds from the trust funds.''

Specifically, H.R. 3671 restricts the use of administrative funds reserved from Federal excise taxes on hunting and fishing equipment to purposes directly related to the Pittman-Johnson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act.

Further, the legislation established 12 categories of authorized costs for the Wildlife Restoration Act and Sports Fish Restoration Act and provides that administrative funds will be available for one fiscal year, after which all unobligated funds will be returned to the States through the apportionment formula.

H.R. 3671 also requires the Secretary of Interior to certify in writing the amount apportioned to each State and the amount obligated for administering those programs.

In addition, the Wildlife and Sport Fish Restoration Programs Improvement Act provides grants from the savings generated from the administrative changes in the bill to enhance firearm and bow hunter education and shooting range construction. The legislation also provides up to $2.5 million for the Secretary of Interior to make multistate conservation grants.

Finally, the legislation requires increased accountability within the Fish and Wildlife Service, through certification of the use of funds and administrative restructuring.

The Committee on Resources reported H.R. 3671 as amended by a unanimous vote of 36 to nothing last March.

H. Res. 455 makes in order an amendment by the gentleman from Alaska (Chairman YOUNG) to increase the amount authorized to administer the Pittman-Robertson Act and the Dingell-Johnson Act to $7.09 million for each act, an increase of $5 million for each act with the reduction of these funds in later years.

The amendment also makes certain technical changes and changes to ensure that the bill language conforms to language in the existing statute, language that is not amended by the bill.

Finally, the CBO has estimated that enacting H.R. 3671 would have no net effect on the Federal budget. The Committee on Rules was pleased to grant the request of the gentleman from Alaska (Mr. YOUNG) for an open rule under H.R. 3671; and accordingly, I urge my colleagues to support H. Res. 455 and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, this is an open rule. It will allow for a debate on the Wildlife and Sport Fish Restoration Act. As my colleague has described, the debate will be equally divided and controlled by the chairman and ranking minority member from the Committee on Resources.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments if they are germane and if they meet the requirements under House rules.

Mr. Speaker, the Fish and Wildlife Service operates two programs that give States grants to help conserve and manage their fish and wildlife resources, and there is widespread agreement the financial management for these programs needs to be improved. However, there is disagreement over the solutions in this bill. Much in the bill is a step in the right direction, but the restrictions in the measure could reduce the ability of the Fish and Wildlife Service to manage these programs.

This is an open rule, though, and Members will have an opportunity to improve the bill on the House floor, as long as their amendments meet the requirements of the House rules.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), my colleague on the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank my distinguished colleague, the gentleman from the State of Washington (Mr. HASTINGS), for yielding me this time.

Mr. Speaker, I rise in strong support of this open rule. As a cosponsor of the underlying legislation, H.R. 3671 the Wildlife and Sport Fish Restoration Programs Improvement Act of the year 2000, I am pleased that this open rule will allow this body to fully debate this environmentally sound and fiscally responsible legislation.

H.R. 3671 addresses recently uncovered waste, fraud and abuse in two very important funds established by two different acts of Congress which provide money to the States for wildlife and sport fishing conservation programs.

Mr. Speaker, our Nation's sportsmen and women proudly contribute to wildlife and fish improvement projects every time they purchase fishing tackle, hunting gear, or any other sporting goods.

However, recent oversight hearings held by the House Committee on Resources and an audit conducted by the General Accounting Office have revealed widespread abuses and misuses of millions of dollars of these funds, which are financed by the excise taxes on sporting goods, guns, ammunition, fishing tackle, and motor boat fuel. In fact, the General Accounting Office has characterized this program as one of the worst-managed programs the investigator has ever encountered.

H.R. 3671 addresses and rightfully corrects these abuses by increasing accountability and reeling in the administrative use of these funds so that this waste of taxpayer money will not occur in the future.

Simply put, the money paid by our Nation's sportsmen and women will go toward wildlife and fish improvement projects, as the law specified, rather than on unauthorized expenditures, slush funds, alcoholic beverages, or overseas trips to exotic designations.

Mr. Speaker, H.R. 3671 goes to the very heart of why our constituents elected us to office, to safeguard their money and to ensure that it is spent wisely. As a fiscal conservative, my constituents sent me to Washington to reduce the size of bureaucracy, increase the efficiency of Federal programs, and improve the accountability of our government.

This bill represents the very checks and balances between the administration and the Congress which our Founding Fathers envisioned to control waste, fraud and abuse. Passage of this legislation will allow us to regain the trust of those who enjoy what our great outdoors has to offer and who seek to contribute to its conservation.

I would like to commend the gentleman from Alaska (Mr. YOUNG) and the House Committee on Resources for their bipartisan work in oversight in protecting the American taxpayer while at the same time increasing funds for true conservation. I urge adoption of this open rule and passage of the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, as has been stated before, we sought an open rule. The Committee on Rules decided to give us the open rule.

The law says that a percentage of that money, up to 8 percent for Pittman-Robertson and up to 6 percent for Dingell-Johnson, can be used for administration expenses.

We have found out, though, that the maximum percentage was used in 1998. $31 million was used for administration purposes. Throughout the 1990s, the percentage escalated from 2 percent or 3 percent all the way to the maximum, which is 14 percent.

Our year-long oversight project examined exactly how the $31 million was supposedly used to administer the important conservation acts. We found out, through the oversight, some very alarming things.

Mr. Speaker, I suggest respectfully, in fact, we found out that the money was spent not as the law said it shall be spent, not for administrative purposes.

The bill I bring to the House today is designed to make sure that not one dime of wildlife or sport fishing conservation trust funds are misspent again. We have been as accommodating as possible to concerns about adequate levels of funding for program administration, and with the open rule we want to be receptive to other ideas about how to make the conservation funds run more effectively.

The bill was developed during a 7-month process with 14 wildlife and fish sport groups representing each State. These groups conceptualized the solutions based on the oversight work of the Committee on Resources.

We held three oversight investigative meetings, and we had suggestions from those findings; and this bill is a result of those.

The law as exists today does not authorize those expenditures which occurred; but rather than argue over that point, we focused on solutions which are in the bill that I bring to the Committee on Rules today. My cosponsor and I decided to fix the loopholes that the Fish and Wildlife Service point to when they try to justify their expenditure of administration of trust funds. This bill caps the amount of administrative expenditures at $10 million. We spell out exactly what expenses are authorized to administer the program. We add reporting and auditing requirements. We create a transparent multiple-State grant program where $5 million of the funds were improperly used for unauthorized costs. We use some of the savings to enhance hunter safety and education. We create an associate director of Fish and Wildlife, and sport fish trust funds to raise the profile of these important conservation activities and look out for the conservation trust funds. These are solutions of the Pittman-Robertson, Dingell-Johnson acts, two acts that are vital to the conservation and restoration of wildlife and sport fishing in the country.

I have asked for only one amendment today under the rule that increases the level of funding from $10 million to $14 million, with a total level of funding of $19 million. We did this to ensure a transition period for 3 years during which there would be a slight reduction in staffing levels that manage that trust fund.

My amendment takes the authorized level down from 120 employees in 2001 to 100 employees in 2003. That adjusts the level upward thereafter based on the Consumer Price Index.

The amendment makes other technical changes to make sure that the bill conforms with other parts of the underlying Pittman-Robertson, Dingell-Johnson acts that are not amended. Other than that, we think we have a good bill. Overall, this is a good bill and should be passed and voted on by all my colleagues.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I appreciate my friend, the gentleman from Washington (Mr. HASTINGS), for yielding time on this important bill that really helps restore confidence with the

people who worked to get this legislation enacted to start with. Both Pittman-Robertson and Dingell-Johnson have had the support of virtually every outdoor sports organization. They have had the support of people who sell the very things that are taxed under this legislation. Seldom do we have people who are selling a product come and say we would like that product to be taxed because it enhances the cause that we believe is important to enhance.

Of course, this current law levies excise taxes on guns, on ammunition, on archery equipment, on fishing equipment; and that is used to fund wildlife programs. What we have seen happen is that the percentages that the chairman just mentioned, the maximum percentages for administration have been far exceeded in expenditures that were beyond the scope of this legislation.

The House Committee on Resources had hearings where it appeared that as much as one-third of the money was being used in areas that were originally thought to be capped at 6 or 8 percent. That is not acceptable.

This bill establishes a cap on administrative costs. It creates 12 specific categories of costs so that we know for sure what is going in can count as administration. It prohibits funds from being used for functions where Congress has already appropriated money. That is what this process is about. It is not up to the Fish and Wildlife Commission to decide that the Congress did not appropriate enough, and so they will supplement that out of funds intended for other purposes. They need to come back to the Congress and ask for more money and justify that money in the regular way.

This then returns unused money to the States. It eliminates a $1 million directors' conservation fund. Some have suggested that that was a slush fund, and there is plenty of evidence to say that that is what it very well could be called.

I hope that we restore the confidence of the people who asked for this excise tax, who collect the tax, who see how the tax is spent, by approving the rule and approving the bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Speaker, I suppose I rise to ask some questions possibly of the Committee on Rules members here today, and I wanted also to have the opportunity to address this question to the chairman of the full committee. I know that many have had thousands of phone calls, like I have, of people concerned with the fact that the Congress of the United States gave the Fish and Wildlife such excessive authority over the fining of people hunting for sport all over this country.

Specifically, it is my understanding that under current law there can be assessed to someone who owns a baited field, even whether or not he had anything to do with the baiting, if anyone is caught hunting, dove hunting over a baited field, the owner of the property can be assessed a fine of some $200,000; and the hunter can be fined $100,000.

I do not think anyone in this House and certainly no hunter that I know of would advocate the hunting over a baited field, but this type of excessive control that the Federal Government has in assessing these types of obnoxious fines to our hunters and to property owners should be addressed.

So I guess my question, Mr. Speaker, is can this be addressed in this issue? I know it is an open rule, but I know there are some limitations on what can be offered as an amendment. Would this bill today be the vehicle that we could use to begin addressing and reducing this situation that is causing such misery to hunters all over America?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Alaska.

□ 1530

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman bringing this to the attention of the floor. We cannot address it in legislation. It would not be germane.

But I can assure the gentleman from Alabama that the bill that he voted on and I voted on and which I was a sponsor last year concerning this issue was not in the House bill. In fact, it was a clean bill that would really relieve the ''don't know,'' and have, as Fish and Wildlife was, issuing fines against those people. It was trying to take that away from the Fish and Wildlife.

The Fish and Wildlife Enforcement Group have interpreted the bill on behalf of Senator CHAFEE, who is no longer with us, may his soul rest in peace, but he put this in the bill in the waning hours, which none of us knew about. We have been made aware of this by the gentleman's hunters and my hunters and the people involved in Fish and Wildlife Conservation.

I have also suggested to the Fish and Wildlife not to interpret the law as the gentleman from Alabama mentioned. But we are going to try to address this issue in the very near future to make sure that the untold fines which are now being suggested be imposed upon individuals will not take place.

I am one that does not believe in the baited field, but many times this could occur unbeknownst to the knowledge of the farmer or, in fact, the hunter itself, and it is unfair to put this type of burden upon those people.

So I will do everything in my power to make sure that we address the fact that we never supported it.

Mr. CALLAHAN. Mr. Speaker, reclaiming my time just for a second, when can I go back and tell the people in Alabama that are so interested in this when some relief is going to be forthcoming? If this is not the vehicle, where is the vehicle to address this?

Mr. YOUNG of Alaska. Mr. Speaker, we hope that we will have a vehicle that the gentleman can do it, in fact the bill itself in the near future. I can assure the gentleman that we are well aware of this issue. I will suggest one other thing. It will be taken ahead of the next dove season. I can assure the gentleman from Alabama of that.

Mr. CALLAHAN. Mr. Speaker, I should hope so. I know the hunters of south Alabama will, too.

I hope that we can address this as expeditiously as we can, because it is wrong of us to give this authority. Whether or not it was done in the middle of the night in the Senate or wherever, the law is the law.

The people of Alabama do not violate the law. So we are not baiting fields anyway. But if he finds one kernel of corn of Fish and Wildlife, the game warden, then that property owner can be assessed a $200,000 fine under existing law. So I hope we can address it.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, I have already informed the Fish and Wildlife of this issue; and, to my knowledge, there has been no fines of that amount, but they could occur. We have to change it so it could not occur. If there has been any fines placed after the passage of the law last year, they have been in the $100, $200, $300 range, and we expect to keep it that way.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased 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. Speaker, I want to thank the gentleman from Washington for yielding me the time, and I want to thank the leadership for allowing this issue to come to the floor.

Mr. Speaker, we are living in a time when I think the cynicism about government is probably at an all-time high. It of course is because we have probably an all-time high in the number of scandals here in Washington.

The scandal that has given rise to this particular bill is that there has been a raid on the sportsmen and women's trust funds. The sportsmen and women in this country have supported an excise tax on guns and ammunition and fishing equipment and archery equipment, which it goes into a fund, the purpose of which is to support conservation efforts and promote hunting and fishing.

Now, what we have discovered is that, in recent years, these funds have been raided using what the General Accounting Office has described as a shell game. The Fish and Wildlife Service created slush funds to circumvent the intent of Congress.

The General Accounting Office described the management of these funds, and I quote, ''one of the worst managed programs that it had ever encountered. In some instances, even the General

Accounting Office could not determine where the money went or how it got spent.''

In another instance, the General Accounting Office reported that the Fish and Wildlife Service had placed these dollars into a fund that was not even authorized to circumvent their own criteria for the approval of the spending of the projects.

In another instance, they created an unauthorized administrative grant program to fund programs that were not supported by Congress.

There is an instance, for example, where the director tried to get an employee to fund an anti-hunting project using the funds that came from hunters' supported excise tax.

It is important for us at this point to rebuild public confidence and support for hunting and fishing. This bill is important because it will restore confidence in these programs. But it is also important that taxpayers know that, when they pay taxes, the money is going to be spent for the purpose that it was intended.

It has been commonplace in the Clinton-Gore administration to raid trust funds. They have raided the highway trust fund. They have raided the aviation trust fund. They have raided the Social Security trust fund. They have raided the Medicare trust fund. They have even raided the Wildlife trust fund.

I support this bill. I am proud to be a cosponsor. I urge my colleagues to support the rule and support the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I laud the gentleman from Alaska (Chairman YOUNG) for this legislation.

Mr. Speaker, I grew up in a little city called Fresno, California. I had 11 uncles that taught me how to hunt and fish. As a matter of fact, one time I threw a gum wrapper down in the woods, and my grandfather picked me up and threw me in a stream. I did not do it again.

The opportunity to enjoy the woods, to enjoy the fish and game that our forefathers have is very, very important. We have had legislation on this floor like the tuna-dolphin that allowed us, not only to save dolphin, but to preserve our fish species and not destroy our bycatch.

We have had bills on shark finning to preserve, even things that I do not like because I am a diver, sharks. But it is science based in its nature. People that most use the resource are the ones that are going to pay for it.

The Sportsmen's Caucus, made up of Republicans and Democrats and conservationists and environmentalists, support this legislation. We have a vision, not just for right now, but 100 years from now so that my children and my grandchildren will be able to use these resources.

Organizations like Ducks Unlimited that have put billions of dollars into habitat to bring about the restoration of ducks and geese across this country. Accountability, effectiveness, responsibility, and science based are some of the things that go into this particular bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I would like to make two points here today. The first point is about Fish and Wildlife as an organization has done some magnificent things around the country. In my district in particular, they have helped enhance the marine ecosystem for the fisheries in the Chesapeake Bay. They have helped enhance wildlife habitat corridors to protect wildlife and keep the Eastern Shore of Maryland and much of Maryland in a beautiful state, in an environmental condition that we can be proud of.

The Fish and Wildlife has also worked in my district to help preserve agriculture and make it profitable by a collaborative effort with a number of Federal, State agencies, and the private sector. So the Fish and Wildlife is out there, and they can do a magnificent job that is worthy of all of us.

But what we do not want to have happen is those few dollars that are available for when official Fish and Wildlife can do a substantial job to be taken away and spent in an unwise fashion where there is no criteria.

The bill of the gentleman from Florida (Mr. YOUNG) addresses two specific problems that we have come across through a series of hearings. One, and this is, in essence, a misdirection of dollars that are badly needed at all of our congressional level districts.

Number one, the Director's Conservation Fund. The Director's Conservation Fund was used solely at the discretion of the director. No criteria existed for making grants under this unauthorized fund.

So what is the solution? The bill provides a solution. This bill will restore the good faith of sportsmen and women in this successful program by eliminating unauthorized expenditures through the Director's Conservation Fund, reducing disproportionately the high amount for overhead. So that is the Director's Conservation Fund.

The other problem has been there were several instances in which Fish and Wildlife Service use conservation trust funds for wildlife and sport fish to pay for other service needs. These were salaries, these were a whole range of things, travel and so on.

So what is the solution? The solution to spending these Federal aid program dollars in areas where they should not be spent is that this legislation eliminates extra funds for the Fish and Wildlife Service to use for inappropriate expenditures. We fix the amount available and limit what it can be spent on. That means that we fix the amount that can be spent on administrative services and ensure that a majority of those dollars, if not 99 percent of those dollars, that people pay excise taxes for will be given to the Fish and Wildlife.

With the cooperation of Members of Congress, other Federal agencies, the Fish and Wildlife Service can do the job that we all want them to do throughout this country, and that is preserve the natural heritage of Fish and Wildlife that our forefathers experienced in the past, we experience now in the present, and unseen generations to come will be able to enjoy that pristine natural environment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Speaker, I rise today in strong support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act. I want to commend the gentleman from Alaska (Mr. YOUNG) and the members of his committee for his diligence in uncovering the abuses that this legislation seeks to rectify and for introducing this bill which will ensure the conservation funds will be spent where they are most needed and where they were originally intended to be spent.

I would also like to thank the chairman for his dedication to protecting the rights and interest of sportsmen and women across the country who have contributed to this fund for well over 60 years.

As a member of the Congressional Sportsmen's Caucus and cochair of the Congressional Task Force on Bowhunting, I have been carefully monitoring the issue and criticism over the misuse of funds by the Fish and Wildlife Service. I was very concerned when I heard that the money was being spent, not on the administration of the act, but on unrelated trips, unauthorized bonuses, and the funding of other departments within the Fish and Wildlife Service.

This legislation addresses these administrative abuses and ensures that sportsmen's dollars will be used to benefit fish and wildlife conservation efforts. It also provides firearm and bow hunter education and safety training and establishes an assistant director for the Wildlife and Sport Fish Restoration Program whose sole responsibility will be the management and administration of the Wildlife and Sport Fish Restoration Program.

Overall, the bill will prevent conservation dollars from being spent in ways that do not help conservation. It will send more money to the States for them to use for conservation projects.

I wholeheartedly support this legislation and urge its immediate passage.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), former chairman of the committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, several Members have come to the floor to tout the findings of the General Accounting Office as necessary proof of the proposed reforms in this legislation. In most instances, I believe that GAO provides an important and impartial perspective to enable the Congress to assess the circumstances underlying any policy issue. I believe we all share this view.

But I have had time to reassess the information provided last year by the GAO. Frankly, Mr. Speaker, the more I have read and learned, the more concerned I have become about GAO's performance during the conduct of this investigation.

Contrary to the assertions made by the majority, I am sure that many Members of this House would be surprised to learn that GAO never filed a final report for their investigation. In fact, all of the assertions attributed to GAO were based upon preliminary findings, findings that in many instances were partial and failed to include important information.

Rarely have I seen such an example of cut and run analysis. I want to take just a few minutes to share some examples for the benefit of Members unfamiliar with this investigation.

For example, the Committee on Resources heard from GAO that the Fish and Wildlife Service had lost roughly $85 million in Federal aid funds. But upon closer inspection of the Fish and Wildlife Service's own internal account reconciliation process, it was revealed that only about $7 million was unreconciled at the time that GAO made that claim. GAO did not provide any reason for this oversight in their analysis.

To clarify this matter further, I am pleased to report to my colleagues that it is my understanding that the Service's reconciliation process has now reduced the outstanding total to around $700,000. A full accounting for all funds is expected soon.

More importantly, it appears that these funds were never lost in the first place. Had GAO's investigators gone to the Service's own Division of Finance, they would have found corresponding account information to fill in the gaps between the incomplete financial records kept in the Federal Aid Office. But GAO investigators never bothered to make a trip to Denver to look into this matter.

We also heard from GAO that the Fish and Wildlife Service was negligent in implementing GAO's recommendations after GAO's 1993 investigation into the Sports Fish Restoration Program. But in fact, the Fish and Wildlife Service has implemented almost all of GAO's previous recommendations. However, again, GAO failed to include in its preliminary findings any recognition that the Service had, in fact, implemented its recommendations.

□ 1545

Normally, these types of errors are corrected during the close-out review of the Federal agency under scrutiny. But because the GAO declined to file a final report, these errors were allowed to stand uncontested.

Mr. Speaker, I would like to submit for the RECORD this table of reforms that have been initiated by the Fish and Wildlife Service to address concerns raised by the GAO and by other critics of the financial management practices of the Office of Federal Aid. They speak for themselves.

These are just a few of the glaring examples of the flaws in the GAO's analysis; and I am left to wonder whether GAO really has, in fact, provided an objective analysis has in fact provided an objective analysis or has been more motivated to justify the preconceptions raised by the majority or the GAO itself.

The gentleman from Alaska has repeatedly referred to the statement made by the GAO asserting that the Office of Federal Aid was one of the worst-managed programs GAO has ever investigated. While I make absolutely no apologies for the shoddy past financial management at the Office of Federal Aid, I find GAO's performance lacking and disappointing.

The Congress relies on GAO to make these kinds of objective analyses, and they should be beyond reproach. In this case, I do not think that is the case. I will get into more detail in general debate about some of the corrective actions that the committee has taken, some of which are justified and others that I think are going to keep this agency from doing the type of proper job it should do in administering these programs.

Mr. Speaker, I submit for the RECORD the table of reforms I referred to earlier.

CORRECTIVE ACTIONS TAKEN BY THE SERVICE ON FEDERAL AID ISSUES

1993

Initiated a new budget review process to ensure that all requests for Federal Aid funds are adequately justified.

Began maintaining files of all direct charges to the Sport Fish program.

Transferred Take Pride position out of Federal Aid Office.

Required Management Assistance Team (MAT) and others in Federal Aid to charge for their services.

1994

Reduced amount of Federal Aid Administrative funds used for General Administrative Service account. Required that calculations be reviewed annually.

Ended the practice of charging overhead costs to the state grants portion of the account.

Implemented the practice of describing cross program initiatives involving Federal Aid in the FWS Budget submission.

Instituted a new cost recovery policy which established a minimum standard rate to be charged for administrative costs.

Published in the Federal Register the policy and procedures for funding Administrative Grants projects. Published annually from 1994–1998.

1996

Initiated a new program to audit the State's use of funds apportioned under Wallop-Breaux/Dingell-Johnson and Pittman-Robertson Programs.

Began to design a new grant management information and tracking system.

1997

Issued guidance to Regional Directors stating that all charges against Federal Aid must be approved by Appropriations Committee. Issued during September of 1997 and again on August 16, 1998.

1998

Began the process of reconciling differences between Federal Aid Office grant records and the Service's Division of Finance's records.

Requested Defense Contract Audit Agency (DCAA) to develop an audit program for administrative funds; DCAA advised that they were unable to do so.

Developed National Training program for Federal & State employees involved in grant activities.

Began working with Customs, IRS, BATF, IAFWA, Wildlife Management Institute, industry and staff from Sen. Breaux and Rep. Tanner to review excise tax collections in Treasury. Eventually recovered more than $20 million in excise taxes not credited to the Federal Aid programs, and another $20 million for the Migratory Bird Conservation Fund.

Published Notice in the Federal Register soliciting public input on alternative methods to fund administrative grants program. Also stated in that Notice that the present program needs to be eliminated or improved. (9/16/98)

1999

Implemented FAIMS (Federal Aid Information Management System), the grant management and tracking system. (1/99)

Announced decision to terminate the Director's Conservation Fund. (3/99)

Established a State/Federal Review Team to evaluate Washington and Regional office administration of Federal Aid program. (3/99) Team met formally during July and August.

Announced in a letter to the IAFWA (International Association of Fish and Wildlife Agencies) plans to terminate Administrative Grants Program. (5/12/99)

Announced in the Federal Register the termination of the Administrative Grants Program. (7/26/99)

Reviewed contract under which GAO says it is unclear whether the Service or contractor should receive over $100,000 collected. Determined that money was reimbursement of contractor copying costs, not profits. (7/99)

Established an inter-office Financial Management Team to address financial management weaknesses in the Federal Aid Program.

Mr. HALL of Ohio. Mr. Speaker, the rule is a good rule. It is open. We have no problem with it. We urge a ''yes'' vote on the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I too urge my colleagues to support the rule and the underlying bill.

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.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 455 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. 3671.

□ 1547

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. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes, with Mr. BURR of North Carolina 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 Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, listen to these words. They tell us why this legislation is urgently needed.

''We don't want legislation to put us in a tighter box. If another need for this money comes up in the future, we want to be able to direct money to do it,'' says the deputy director of the United States Fish and Wildlife Service about this bill in the March 2000 issue of Outdoor Life.

The deputy director's words were a plea for help and this bill answers that plea. Those who oversee this program still want to use wildlife and sport fish money, paid by sportsmen, to create slush accounts and fund other unauthorized needs.

This bill assists the Fish and Wildlife Service in their administration of the programs by providing clear direction on what they can do when administering these wildlife and sport fish trust accounts. The bill eliminates the broad discretionary authority that supposedly gave them the permission to spend wildlife and sport fish trust accounts on things like slush funds and other unnecessary foreign travel. This bill prevents abuses and protects the trust funds. This bill does not choke the administration of the wildlife and fish trust accounts. It makes them lean, and it makes them manage the money accountably.

This bill maintains the integrity of the two acts by ensuring the funds will be used for true administration by authorizing exactly what the administration funds may be spent on. This includes things like personnel, direct support costs, costs to make grants, and actual overhead costs.

It will ensure that millions of excise tax dollars paid by sportsmen and women on guns, ammo, archery equipment, and fishing equipment will go to the States to improve opportunities to enjoy hunting and fishing, enhance hunting safety, providing conservation projects to improve habitat, and a variety of other wildlife and sport fishery restoration projects that benefit all Americans.

The bill caps the amount of administration dollars at $10 million for both programs for true program administrative needs, plus $5 million for the multistate grant program that the Service improperly funded from administrative money. These program reforms deliver more wildlife and sport fishing restoration dollars to the States.

Because of past abuses, several certification, auditing and accounting requirements are added. These requirements will ensure that the committees in the House and Senate and the public will get what we need to confirm that the wildlife and sport fish trust funds are administered cleanly and effectively.

We authorize a multiple-state conservation grant program to fund wildlife and sport fish restoration properties or programs that will benefit both groups of the States. Often States wish to cooperate with conservation projects, and this program will allow them to do so; $5 million, split between wildlife and sport fish, are authorized for this purpose.

With some of the savings we achieve in the bill, we authorize a firearm and bow hunter safety grant program to assist States to enhance firearm, hunting and archery education programs, and ranges and safety programs.

We found a lack of accountability within the current Federal Aid program that administers the accounts. We found that Federal Aid managers lacked control over their own resources. As a result, we elevated the chief of the Federal Aid program to the level of assistant secretary.

The new position is the assistant director for Wildlife and Sport Fish Restoration Programs, who, organizationally, reports to the director. This structure elevates one-third of the total fish and wildlife service budget and places it squarely in the director's office. The sole responsibility of the new assistant director will be the management, administration, and oversight of the Wildlife and Sport Fish Restoration Programs.

Every Member should support this legislation. I knew that we had to press on and make these reforms rigid when I read what the deputy director of the Service said about this bill in the March 2000 issue of Outdoor Life.

I urge the House to support this important legislation and ensure that the taxes paid by sportsmen and women benefit wildlife and sport fish conservation and restoration in the States. By supporting this legislation, we will prevent excise taxes, paid by our constituents and earmarked for our game and fish departments, from being improperly used and squandered by the Federal Government.

It is our job to protect the sportsmen and women who pay the tax in each of our districts. Vote for this bill. Do something we should have done more around here, and that is to provide solutions to eliminate waste and fraud and abuse by the Federal Government. It just so happens doing it this time means more wildlife and more sport activity for the people in our districts.

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

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

In just 3 weeks, we will be celebrating the 30th anniversary of the first Earth Day. And just like the return of spring, the coming Earth Day has spurred the majority to renew their annual migration to the House floor with legislation to supposedly demonstrate their concern and support for the environment.

This is legislation that does both of those things, it tries to express their concern for the environment and also to clean up some problems within the sport fish restoration program. But I am afraid this legislation goes too far.

In its desire to seek out waste, fraud, and abuse, I believe that this legislation, in fact, will end up, if kept in its current form, undermining the ability of the Fish and Wildlife Service to administer an account for roughly $450 million to support wildlife and sport fish conservation activities in the States.

As we sat through the hearings, I must say that I share some of the concerns that the gentleman from Alaska (Mr. YOUNG) has outlined in his desire to improve the performance of this program within the agency. But unfortunately, the legislation, as it stands before the House today, I think makes cuts that are far too severe and imperil the ability of this agency to administer the programs to the States or, in fact, even put additional burdens on the States for which they will not have resources to do; and I will elaborate on that point later in the debate in this legislation.

I think it is important to remind our colleagues that the Fish and Wildlife Service is recognized and admitted substantial errors that have been made. Serious reforms have been initiated by Fish and Wildlife Service Director Jamie Clark to improve the enforcement of financial policies and procedures, including the termination of discretionary grant programs, the hiring of a new Federal Aid expert to closely oversee the Federal Aid Office, the establishment of strict new policies for

travel and expenses, and the initiation of new training programs for Federal and States employees.

These moves indicate to me that the Service is aggressively taking action to clean up this mess. Has the Service acted quickly enough to address these problems? Certainly not. But is the Fish and Wildlife Service now making a serious effort to clean up the administration of these programs? I believe they are. It is unfortunate the majority has decided to ignore these internal reforms.

Which brings us to where we are today. When the majority concluded its investigation, I hoped that we might be able to work to draft legislation sufficiently tailored to ensure long-term financial accountability of this program. But so far we have been unable to do that.

I have several concerns about this legislation. Foremost is my concern that the bill would severely cut the amount of allowable funding for the Service to administer the program. As reported by the Committee on Resources, the bill would have established a $10 million per-year cap to fund administrative activities which the majority claims would track existing costs for legitimate administrative functions. However, the Fish and Wildlife Service indicates that the personnel costs alone amount to $9.5 million annually.

Furthermore, when the service analyzed past spending, organized by the majority's own 12 expense categories, and when the Service backed out the illegitimate expenses, the costs for administration consistently ranged between $20 million to $25 million. Clearly, $10 million is simply not sufficient to engage in the proper practices.

It is my understanding that the funding levels imposed by this cap would force the Service to terminate anywhere between 40 to 60 Federal Aid employees. In addition, the caps would also force the Service to cut back on important administrative activities, including State grant audits, budget oversight, and procedural training for Federal and State personnel. How is the Service supposed to provide increased oversight, accountability, and services to the States under this scenario?

I ask if my colleagues' offices would be able to provide the same level of services to their constituents if they were forced to cut their office staff and operating budgets by 30, 40 or 50 percent? Of course not. But that is what this legislation would impose on the Service.

I am also concerned the bill does not provide any administrative flexibility for the Fish and Wildlife Service to respond to unknown future expenses that could be imposed on the Service. For example, if the CARA legislation should pass, it would allocate an additional $350 million to the Pittman-Robinson programs, but it would not allow any additional funding for that program. I hope we can either address that problem in this legislation or in the follow-along CARA legislation.

I find it remarkable that the majority insists that the workload of the program could virtually double overnight but would not provide additional administrative funds to the program.

I am also concerned that the bill does nothing to ensure the States who receive Federal funds are held accountable on how they spend their grants. After all, the States receive 93 percent of all the Federal Aid funds, roughly $450 annually. Yet the audit of State programs has uncovered many troubling examples of financial abuse, very similar, if not identical, to the problems uncovered in the Federal investigation of the Federal agency.

I find it interesting that the committee would focus its attention exclusively on how the Fish and Wildlife Service spends its funds, which total about $31 million, but fail to address the credible evidence of similar financial mismanagement among the States that spend more than 10 times that amount of money.

Perhaps this indifference reveals the true nature about this legislation. It is less about the avoidance of spending money unlawfully than it is about punishing the Service.

I am disappointed that we have been unable to resolve these substantial concerns and other problems that I have raised with this legislation. I would have preferred to resolve these matters before bringing the bill to the floor. Hopefully, they will be resolved before this legislation is reported from the Senate.

I would hope that the majority would understand that to seek signature on this legislation some of these concerns, that are legitimately raised by the Fish and Wildlife Service, by some of the State agencies, and by supporters of this program, will have to be changed if the agency is, in fact, going to effectively administer the Office of Federal Aid; and if they are going to be able to administer the programs as we on the committee now agree they should be, which resulted from the hearings and the investigations that the majority led into this agency.

I guess, in short, I would simply say this: I believe this legislation is on the right track, but I believe it is overkill.

□ 1600

I believe it is overkill, to the extent to which it can render the agency ineffective to do exactly the mission that is outlined in this reform legislation.

I would hope that the principals of this legislation could work out so there could be sufficient funding that would allow the agency to do its job properly, there would be the reforms that the legislation speaks to to make sure that, in fact, monies are spent properly for the purposes for which people pay into this fund and for which those of us who make the policy on this matter expect them to be paid.

The agency must be allowed to function, and I would hope that those needs could be addressed.

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

The CHAIRMAN. The Committee will rise informally to receive a message.

The SPEAKER pro tempore (Mr. HASTINGS of Washington) assumed the Chair.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

The Committee resumed its sitting.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the great leader in the House.

Mr. DELAY. Mr. Chairman, last year, congressional Republicans fought tooth-and-nail to cut waste, fraud and abuse out of a bloated Federal budget. We were successful, but we have only just begun.

This year we remain vigilant in our crusade to return accountability to the Federal Government, and, today, thanks to the chairman of the Committee on Resources (Mr. YOUNG), we are taking another important step by bringing this bill to the floor.

This measure will eliminate waste, fraud and abuse at the Fish and Wildlife Service and restore integrity and accountability to our conservation programs.

Last century, America's sportsmen agreed to excise taxes on sporting equipment so that others could enjoy hunting, fishing, and other outdoor activities. In doing so, they placed their trust in the Federal Government to administer these funds, their hard-earned dollars, for State conservation efforts.

This system worked for decades, but this administration has shattered that trust. A yearlong committee investigation revealed that half the money set aside to administer these programs, over $15 million, was improperly used.

But do not just take my word for it. The GAO report, and I quote, ''to our knowledge, this is, if not the worst, one of the worst managed programs we have encountered.''

Mr. Chairman, this bill ensures that the government manages the people's money wisely. I urge my colleagues to support this bill and restore trust between America's sportsmen and their government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from California for yielding me the time.

Mr. Chairman, while I support this bill, I do have some concerns about it, and at the appropriate time, I will offer an amendment that I think can set the stage for addressing those concerns.

As the gentleman from Alaska (Mr. YOUNG) and others have noted, this bill was prompted by information developed by the Committee on Resources through the oversight process.

As a result of that oversight, it became clear that it would be desirable to revisit the underlying statutes at issue here; although, I think it is also clear, as my colleague from California suggests, that some of the charges about the actions of the current administration have been exaggerated, and that those folks making those charges have failed to point out similar actions that occurred during prior administrations.

The programs of assistance to state and wildlife agencies addressed by this bill are very valuable for my home State of Colorado and, of course, for all the other States that make up our union. This bill deals with a very important subject that deserves careful scrutiny by the Committee on Resources and by the whole House itself.

I do think that Congress does need to reconsider the degree of discretion that current law allows the Interior Department with regard to the administration of these programs.

However, in responding to the ways the Interior Department has used its discretion in the past, I fear that the bill may go too far in the other direction.

Mr. Chairman, I certainly understand the purpose of limiting the amount of money that can be spent on administration, because obviously, what is spent that way will not be available for the substantive purposes of the programs, but at the same time, we need to recognize the administration is necessary and adequate administration is essential to avoid the risk of misuse of taxpayer funds, either by the Department of Interior or by other parties.

That is why I am concerned when the Interior Department says that limits set by the bill would likely require reduction in the number of people who would administer these programs because adequate staffing is necessary to administer any program.

I am also concerned that the bill's provisions are too inflexible and too detailed and that even more specific requirements are suggested in parts of the committee's report on the bill.

Accountability is essential, but excessive paperwork for its own sake can eat up resources that could be put to more productive uses. And I do not think we should make it impossible for the Interior Department to respond to new developments, such as the very significant and very desirable increase in the scope of these programs that would come from the enactment of H.R. 701, the CARA legislation which the Committee on Resources has already approved, and which I hope will come to the floor of the full House in the near future.

As I said, I support the bill. I will do so not because I think it is perfect, but because I think it is desirable to make some progress on this subject.

It is my hope that we can further refine the bill as we proceed through the legislative process with the other body and, if necessary, in conference. However, should that not occur, our committee and the House may be better advised to return to this subject next year.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to remind both of my speakers on that side of the aisle my amendment raises the fund from $10 million to $14 million with a $5 million grant that is $19 million, and I had information from the Department that said that they could operate very well with $19 million.

We expect a decrease of personnel probably of 23 members of the total aid program, and that is all. What we are trying to do here is not this administration is future administration, this administration is on its waning days, but future administration, regardless of parties, will not have the opportunity to use these dollars that are paid in good faith by the sportsmen of America and then misspent.

Even those within the agency today have told me privately, yes, they made a mistake, and they really would suggest that we are doing the correct thing. We will review this. We will have a very simplistic audit system. I have agreed to that. We will work with those people involved and make sure that in the future time, we will be able to see where they have been able to reach those goals.

In closing, may I suggest, I have asked them time and time and time again give me the figures where they need it and how they want to spend it, and the agency itself has been reluctant. In fact, they have stonewalled us. I am trying to get those figures. I am working very hard.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I rise in support of the accountability and responsibility to stop wasteful spending and mismanagement of wildlife and sport fishing funds. The impropriety of the U.S. Fish and Wildlife Service in spending taxpayer dollars for slush funds and unauthorized programs and projects is an abuse that must come to a stop.

The Service has failed to return leftover funds to the States for conservation purposes, funds paid by sportsmen and sportswomen. Even worse, the General Accounting Office has acknowledged that in its 106 years of experience, this is what it said, it said ''this is, if not the worst, one of the worst managed programs.'' That is a quote that they have given, and that is the way they feel. And I believe that that is accurate.

We have an opportunity to provide oversight to a program in desperate need of reform. The Wildlife and Sport Fish Restoration Programs Improvement Act would return honesty and responsibility to the administration of the programs under the Pittman-Robertson and Dingell-Johnson Acts.

Mr. Chairman, I encourage my colleagues to support this measure that not only reduces bureaucracies but prevents waste, fraud, and abuse.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may assume to the gentleman from Michigan (Mr. DINGELL) who has been obviously a very strong supporter of this program and a strong voice for reform.

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

Mr. DINGELL. Mr. Chairman, I thank my good friend from California (Mr. GEORGE MILLER) for his kindness to me in this matter.

Mr. Chairman, I ask the attention of the gentleman from Alaska (Mr. YOUNG), my good friend, the chairman of the committee, but before I do so, I want to pay tribute to the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, and the gentleman from California (Mr. GEORGE MILLER), my good friend, for the fine leadership they have given in working this bill to this point on the House floor.

It is an important piece of legislation. It enhances and protects a great national treasure which are the different Federal aid to fish and wildlife programs which have existed for a long time.

I am particularly proud that one of these was the Pittman-Robertson bill, which takes care of grants to the States for aid for wildlife conservation and, of course, Dingell-Johnson which was sponsored by my old dad some 50 years ago, which protects fish and fishery resources.

This is the kind of bipartisanship that has always been shown during this legislation. It does both of these gentlemen and the committee great credit, and I want to commend them and thank them for what it is they have done and for working with me on this matter.

Mr. Chairman, one matter not addressed in the bill, I believe, would be very important in the entire question of administration of Federal aid program, is an independent outside top-to-bottom review to determine how many people are needed to administer it and what mixture of skills they should have. Your able staff has undertaken to develop a staffing model, and Fish and Wildlife has offered what they believe is an appropriate level of funding.

I do believe that an outside review by experts without any stake in the outcome would be beneficial.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I agree it is my understanding that the Fish and Wildlife Service has authority to undertake this review in a fairly rapid manner. My only concern that any review is truly independent of undue influence. For that reason, I agree with you provided the service and the reviewer consult with the House Committee on Resources prior to and during the review.

The committee must agree with the parameters of the review and we must be advised of the process of the review.

Mr. DINGELL. Mr. Chairman, I agree with my good friend that the Service should, in fact, start such a review. It is my hope that that will take place and that they should make every effort to have it completed within 120 days and to be without any taint of outside influence.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I strongly agree with that but with the understanding the review does not stand in the way of getting this bill enacted into law. I want to make sure we go forth with the law, the review can come after the law, because I am looking at the next administration, we do not want the abuse that occurred in the past administration.

Mr. DINGELL. Mr. Chairman, reclaiming my time, I do want to thank my good friend, I want to continue my comments, and I am going to try and watch my time very closely, I say to my good friend, the ranking member. These are important programs. They are great national treasures and they are a curious example of legislation which is protected by people who pay taxes, and the taxpayers and the sportsmen who pay the taxes are those who are the strongest supporters of this legislation.

Mr. Chairman, I want to commend the gentleman for having this GAO accounting and I want to commend him for the work which he has done to present this legislation to the House. I would like to observe that the situation has gotten into a bad state, and I would like to make an observation that this is regrettably something which does continuously require the attention and the oversight of the Congress.

I would like to observe that the situation that has been brought to light is not a good one, and it is one which desperately needs correction for the protection of the fish and wildlife resources to which these monies will be put.

I would like to observe, however, that a lot of time that programs of this kind become the subject of abuse simply because the appropriators and the Committee on the Budget are often times responsible for seeing to it that these monies become the go to fund for initiatives and expenses that were never authorized by Congress or programs that Committee on Appropriations sort of deals with a wink and a nod or the Committee on the Budget does to see to it that these monies are spent in a way that the legislative committee never intended.

Mr. Chairman, certainly, that is a bad situation and hopefully, this legislation will help to bring that kind of situation under control. The basic program is, however, a sound one and a good one. I believe that the limitation on expenditures for administrative purposes and others is a good one.

It may, perhaps, need to be increased, but at least at this time it is a useful device, not only to curb abuses within the agency, but also to curb abuses by the Congress and by the appropriators and by the Committee on the Budget enforcing the use of these kinds of monies for purposes that the legislative committees have never intended should be the expenditure.

Having said that, I would observe that I believe that as the process goes forward that this Congress will work together to achieve a resolution of any differences and difficulties that exist across the aisle or between different Members. I am satisfied that as we work this legislation out, it will come to be something which will be the protection of a great national treasure.

I thank my good friend, the gentleman from Alaska (Mr. YOUNG) and I thank my good friend, the ranking minority member, the gentleman from California (Mr. GEORGE MILLER) for making this time available. I look forward to working together with them and with others to see that this is the legislation we want it to be.

□ 1615

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, I rise in strong support of the legislation brought before us by the distinguished chairman of the Committee on Resources. The facts that led to this legislation really do speak for themselves: skyrocketing overhead costs in an important Federal program, payment for foreign travel completely unrelated to the nature of the work of the Federal Aid Program, and the use of funds to pay employees that were not even working within the program itself.

Clearly this is necessary legislation to protect the financial interests and restore financial accountability to a very important Federal program. Contrary to the suggestion that we might be injecting too much oversight or too much financial accountability into this program, I think it understands the need for more such oversight, and the gentleman has done us a service in beginning this process. Identifying waste and mismanagement in government is not just a good idea, but it is in the best interests of the taxpayers and really the future of this country because every time we find opportunities to save taxpayers not millions, but in the aggregate it adds up to billions, that is additional resources that we can invest in programs that really do work for the American taxpayer, or it is money that we can actually let the taxpayer keep and never even have to send to Washington, investing in what they care about.

I applaud the work of the gentleman from Alaska; I applaud the Speaker and Members on both sides of the leadership that have called for greater oversight of waste and mismanagement in government in the hope that it will lead to a much better investment of those taxes that we do collect here in Washington.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise today in strong support of the Wildlife and Sport Fish Restoration Programs Improvement Act authored by the gentleman from Alaska, the chairman of the Committee on Resources. As a member of that committee and of the Congressional Sportsmen's Caucus, I commend the gentleman from Alaska for crafting this truly ''good government'' bill.

I was born, raised, and have lived most of my adult life in rural Pennsylvania. I was taught to hunt and fish at a young age. With that knowledge came a great amount of respect for the game that we hunted, a love of the outdoors, and a desire to ensure that our wildlife resources are managed and preserved for future generations to experience. All those sportsmen over the years who have paid in their excise taxes to the Pittman-Robertson and Dingell-Johnson funds think of those funds the same way that Social Security recipients think of the funds they have paid in.

I am appalled that we seem in this Chamber to think that it is all right that there is some mismanagement of those funds. It is not all right. It is our job to do something about it. I do not think we should take any comfort in the fact that maybe the States have not done their job as well as they should. This is the right thing to do. Mr. Dingell, Sr., would be appalled if he knew that these funds would be used as slush funds or unnecessary foreign travel or unreasonable overhead costs. Like the Social Security fund, this needs to be very well managed. The bottom line is that this bill will increase the amount of money currently available for conservation by eliminating waste, fraud and abuse. This is good environmental policy, and it is good fiscal policy. I again commend the gentleman from Alaska for the leadership in bringing this to the floor. I ask for its passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I thank the gentleman from California for yielding me this time. As a member of the Committee on Resources, I rise in support of H.R. 3671, legislation to improve the financial management and accountability of the Office of Federal Aid within the U.S. Fish and Wildlife Service. Under current law, the Office of Federal Aid reallocates funds collected through Federal excise taxes on guns, ammunition, and archery equipment to individual States for fish and wildlife restoration projects. Hunters and outdoorsmen as well as recreation and conservation groups in my district in western Wisconsin and throughout America rely on these restoration projects to improve habitat and fishable waters.

Unfortunately, recent evidence documented by the GAO indicates that the administration and financial oversight of the Federal aid in the wildlife and sport fish restoration program may be a little lax. This has resulted in the unfair public perception that misallocation and abuse has occurred throughout the Fish and Wildlife Service. To correct this problem, H.R. 3671 caps the amount of administrative dollars available for administration use to implement wildlife and sport fish restoration programs.

While I support this legislation, I do share the concern of the gentleman from California (Mr. GEORGE MILLER) that this bill as currently written may go too far and end up restricting the overall effectiveness of the fish and wildlife restoration programs. In fact, there may be some truth in the fact that the rigid budgetary framework that this legislation proposes may ultimately erode the capabilities of the Fish and Wildlife Service to effectively administer the restoration programs. To that end, it is my hope and desire that the Senate can correct some of the flaws that I believe currently exist with this legislation so that the President may ultimately sign it into law.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, like most Americans I was disappointed and angry to hear of the administrative abuses taking place under the Pittman-Robertson and Dingell-Johnson Acts. These are very popular programs that I support, which permit collection of funds through the Federal excise taxes on hunting and fishing equipment, a worthy cause, and two activities that my family holds dear, that my entire family enjoys as do the vast majority of the people in my State of Wyoming. These funds are tremendously beneficial to the State and to other States that use them for on-the-ground fish and wildlife conservation projects.

The House Committee on Resources learned of the mismanagement of the 6 percent and the 8 percent administrative funds over a year ago. Since that time, the GAO and the Committee on Resources' own review of the mismanagement indicates that widespread abuses have continued to be discovered. It is my understanding that part of these funds were even used to introduce the wolf into Yellowstone which was something the States of Wyoming, Idaho, and Montana; the governors; and the legislatures strongly opposed, as did most of the people that lived there. The plain truth is that the Fish and Wildlife Service has misused millions of taxpayer dollars.

I have to say that I find it a little less than amusing that in this Chamber the misuse of these funds has been characterized as ''exaggerated'' and the previous speaker saying the administration ''may have been a little lax'' when in fact the GAO report says that this program, quote, ''if not the worst managed, is one of the worst managed programs we have ever seen.''

Now, excuse me. Hello? That is worse than ''maybe a little lax'' or that the other side is exaggerating this problem. When money is misused that taxpayers pay in under certain circumstances, it should be distributed according to the law. Sportsmen and women have every right to expect that their hard-earned money will be returned to them in the form of the services for which they pay it. Clearly this kind of abuse cannot be justified, and it cannot be tolerated.

As an original cosponsor of the legislation of the gentleman from Alaska, I am committed to bringing an end not only to this particular kind of Federal abuse of dollars but other abuses that are prevalent in our Federal Government. I do not care who is in office, I do not care who is in the seat of the presidency, I do not care who is in the majority of the Congress. To say that just because they did it means it is not so bad that we did it is ludicrous. I am offended by that as every American should be.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume. Let me just say, this is not about whether or not we support or agree with the waste of money, because obviously nobody in this Chamber does and nobody in the Congress does; and the hearings that we had in the Committee on Resources were for the purposes of stopping those practices that were unacceptable. But the fact of the matter is the numbers that the GAO threw around have never been substantiated.

The suggestion that somehow these individuals were engaged in illegal or criminal behavior has never been substantiated, was never found to be true; and we ought to set the record straight. The fact that that did not happen does not mean this was the best-run program, but it also certainly means this was not the worst-run program. We can show you many unfortunately tragically that are far worse than this that do not deal with several million dollars, but deal to the tune of billions of dollars of waste. That is a tragic fact. But the point is the record ought to be straight on this one so that the remedy fits the problem, and the concern about this legislation at this moment is that this legislation overreaches and in fact will keep the agency from doing what all of us in this Chamber want them to do.

Speaker after speaker has gotten up here and made the point that this is a highly successful program; they have had great results in States building local programs for hunters and for fishers, and it is working. We have all had testimony to it in our States and in many of our districts where these programs have been utilized in conjunction with many local organizations. This is a successful program. We ought not in terms of being a little overzealous here then cripple the agency from doing what it is doing very well apparently.

We ought to address ourselves to those problems that are in fact real and ought not to be allowed to continue, but we ought not to overreach and do as many who are strong supporters of both this legislation and this program suggest may very well happen if some of these numbers are not moved up so the agency has the money necessary to properly administer the program which brought us to this point originally.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume. I appreciate the gentleman's comments; but I would suggest again with my amendment, the administration and the agency itself had said that they will reach the $19 million and we will only lose, if anything, none this time, all existing programs continue, and next year 10 people are lost, 10 after that, 20 in total; but we will have an accounting, and they will not have this fund which they can use. Remember, this is for the next administration. If there is a problem they cannot implement it because of this legislation, we always can address that. But I do not want anybody to be able to get into that cookie jar. As we remember in 1992, only 2 percent was used for administrative costs; and beginning in 1993 and on, it went up to the full 14 percent. So I do not want that to occur, because there is no justification for that.

Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, first of all I want to thank the gentleman from Alaska and his staff for their hard work and vigilance in pursuing this issue and in drafting legislation to fix what GAO has characterized, there is no way around this, as one of the worst-managed programs that they have ever encountered. Unfortunately for sportsmen and women across South Dakota and around this country, the

Fish and Wildlife Service has misused at least $45 million of these funds by directing portions of the excise tax dollars toward such things as a slush fund for the director and foreign junkets entirely unrelated to the administration of the program.

As a result of these abuses, States have not been able to conduct wildlife and sport fish projects because the funds were spent in ways in which the Congress did not authorize.

□ 1630

As an avid sportsman, I am outraged by the abuses that have been uncovered by the gentleman from Alaska (Mr. YOUNG), and the Committee on Resources, and I am not alone. What is going on here is unconscionable. I have received a lot of letters and e-mails and phone calls from sportsmen and women across South Dakota asking me to take action to stop the Fish and Wildlife Service's abuse of administrative funds by the Division of Federal Aid. This bill does just that.

Mr. Chairman, this was a successful program because sportsmen and women were generous in their willingness to pay the excise taxes which they paid, believing that those taxes were going to be used to invest in wildlife and sports fish. Had they known that the money they were paying in excise taxes was going to be used by Fish and Wildlife Service at its disposal for a lot of these inappropriate expenditures, I doubt they would have been willing to pay those taxes. This bill prevents the director from using administrative funds for purposes other than legitimate costs to administer the law.

Mr. Chairman, this is no way to administer a program. The sportsmen and women whose tax dollars fund this program expect and deserve more from their government. It is the job of each and every one of us in this Chamber to ensure that the taxes paid by the American people are not squandered. Whether they be sportsmen excise tax dollars or any other tax dollars, we have a responsibility to the American people to do the right thing, and the right thing is to pass this bill.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, what is wrong with this microphone? I am getting a little tired of it. Whoever is running this thing had better be on the ball, because this thing never goes on on time and some of the time we cannot hear anybody, and maybe that is on purpose. But we have spent an awful lot of money on this project, brand-new, and I have been here and listening to this and it is not properly run and it deeply disturbs me.

The CHAIRMAN. The gentleman's concerns are duly noted by the Chair.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of H.R. 3671. As cochairman of the Congressional Sportsmen's Caucus, I can tell my colleagues few issues are as important to the caucus as safeguarding the integrity of the Pittman-Robertson and Dingell-Johnson funds. So important that this is one of the primary missions of the Sportsmen's Caucus which now includes 280 Members of Congress.

I was happy to support the gentleman from Alaska when he introduced this bill, and I am happy to support his effort today to move this needed legislation forward. His bipartisan approach is appreciated in the Congressional Sportsmen's Caucus.

The Chairman's committee has built an excellent case for making the reforms he offers in the House today. For years, there has not been enough oversight over this program and these conservation trust funds. The chairman took a hard look at this issue, and what he found surprised all of us who, for decades, have happily contributed the funds for this valuable program.

This oversight found lose language within the law regarding administration and execution of the wildlife and sport fish trust funds. The proposal today tightens it. Where his oversight found waste, this bill eliminates it.

The gentleman's bill also directs resources to hunter education and safety, something that the Congressional Sportsmen's Caucus cares about deeply. It is important that funding is provided to both educate hunters and to ensure their safety in the field.

This will also maintain the vitality of the Pittman-Robertson fund by continuing to bring in new generations of hunters, something that we are all trying to make happen.

So, Mr. Chairman, this is a good bill, and I urge my colleagues to adopt it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS), cochairman of the Sportsmen Foundation, 280 members now, and a great leader for the sportsmen's movement in the Congress.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman from Alaska for bringing this bill forward.

Mr. Chairman, since coming to Congress, I have been committed to reducing Federal spending and balancing the Federal budget. As cochairman of the Congressional Sportsmen's Caucus along with my good friend from Minnesota (Mr. PETERSON), I have worked in a bipartisan fashion to promote hunting, fishing, and other outdoor recreational activities. But we could not be nearly as successful in the Sportsmen's Caucus were it not for the Pittman-Robertson and Dingell-Johnson Trust Funds. These funds have given millions of sportsmen and women the opportunity to continue to enjoy their hobbies of hunting and fishing and provide steady streams of revenues to fund hunter education and safety programs.

When sportsmen and women buy fishing equipment, guns, ammunition or archery equipment, a portion of their proceeds go to the States to help wildlife restoration or conservation projects and hunter education. This is not complicated. This is not rocket science. This is no secret. This is a win-win for everyone who cares about wildlife, who cares about hunting and fishing, who cares about education, about hunter safety, and about other education regarding outdoor activities.

That is, until some Washington bureaucrat thought they could take some of that money and use it for different purposes, purposes like travel to Japan, and creating a huge unauthorized slush fund. We are talking about at least $45 million in misspent, unauthorized costs of this program.

I say to my colleagues, this program is not going to be a slush fund for Washington bureaucrats, and I hope that bureaucrat is listening today, because with passage of this bill, we will ensure the integrity of Pittman-Robertson and Dingell-Johnson Trust Funds. We will ensure that they are protected for the American outdoorsman and the American taxpayer.

This Congress is committed to cutting out fraud, eliminating waste, and ending abuse of the American tax dollar. This is exactly what this bill intends to do. It protects the integrity of these quality trust funds in a way that makes common sense.

Instead of depending on a bureaucrat at the U.S. Fish and Wildlife Service to audit its own administrative costs of the program, we cap the administrative costs. We put the auditing in the hands of an independent inspector general, and we will require regular reporting to Congress of those audits.

Mr. Chairman, the Wildlife and Sports Fish Restoration Programs Improvement Act of 2000 will prevent dollars paid by sportsmen and sportswomen from being spent in ways that do not benefit wildlife, sport fishing, and related restoration efforts and will send more money to States for them to use for conservation projects and hunter education.

I applaud my friend, the gentleman from Alaska (Mr. YOUNG) for bringing this issue to the forefront. I applaud him for authoring this very common sense, good government piece of legislation, and I urge its passage.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON). It seems like great Americans have the name ''Peterson.''

Mr. PETERSON of Pennsylvania. Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG) for the time, and I want to commend him and the committee for their oversight.

We do not do enough of that here. I think the American public would be a lot more comfortable with their Federal Government if we did more oversight. I am a little taken aback though by some of the comments that I have heard in this debate that this might go too far, this is too tough. Let us just

look for a moment at what the GAO report says.

It says, controls over expenditures, revenues, and grants were inadequate. Millions of dollars in program funds could not be tracked, millions. Basic principles and procedures for managing travel funds were not followed. Basic internal control standards or Office of Management and Budget guidance for maintaining complete and active grants files were not followed. Regional offices used administrative funds inconsistently and for purposes that were not justified. Charges for service-wide overhead may be very inaccurate. Routine audits to determine whether administrative funds were being used for authorized purposes were not conducted, and the process for resolving audit findings involving States' use of program funds was very questionable.

This is no way for programs to be administered. I am sure this is not the only one, but I want to commend the committee for tracking it down and changing it. Sportsmen and women who fund this program with their tax dollars expect more from their government. It is our job to ensure that their tax dollars are not squandered, and they go to wildlife and sports fish restoration projects. This bill will make sure that the taxes paid by our sportsmen and women are used efficiently and according to the law, and that the majority of the funds go to the States to fund the appropriate programs.

Mr. Chairman, I want to thank this committee for a job well done.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), who visited Alaska to make his fortune and returned home.

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

Mr. HAYES. Mr. Chairman, I appreciate this opportunity to address the Members of the House regarding a very fiscally responsible bill, and I want to express my appreciation to the gentleman from Alaska (Mr. YOUNG). As he said, I did spend a year in Alaska; and it was a wonderful time.

But as a part of spending that year in Alaska, Mr. Chairman, I learned a lot about fish and wildlife and misappropriations of funds. It appalls me the way that fishermen and hunters pay willingly, in fact eagerly, excise taxes on hunting and fishing equipment in order to preserve and to provide conservation programs for fish and game, nongame species, for badly needed habitat.

But having said all this, I find, after being in Washington for a short time, that the U.S. Fish and Wildlife Service takes sometimes, it seems to me, pride in misusing these funds; using them on projects that were never intended, using them on junkets, traveling around the world, not supporting habitat and wildlife and hunters and fishermen, but doing things that bear no resemblance to what this bill has been asked to do.

So I rise in strong support of the gentleman from Alaska (Mr. Young) and other supporters of this bill to lend my voice, because sportsmen in America are and always have been the original environmentalists.

When we talk about clean air, when we talk about clean water, there have never been people who are more concerned and who have a more common sense approach to maintaining the beauty and the natural wonder of our habitat and our wildlife than sportsmen.

So again, I applaud the gentleman from Alaska (Mr. Young) for bringing to the attention not only of sportsmen, but the American people, how their money has been misspent, even on antihunting programs, turning the Fish and Wildlife Service into an extension of the endangered species service, turning this into an environmental organization.

Again, let me reemphasize, the environment is something about which I and any sportsman cares very deeply about. But to use this money in ways other than the enhancement and the protection and the future of our wildlife and habitat is simply wrong, it is unacceptable. We want to be fiscally responsible. We have collected this money. We have the trust of our constituents when we collect Pittman-Robertson money, and it is up to us to make sure that that money is spent to preserve habitat, to protect wildlife and to create opportunities for present and future generations to enjoy the out of doors.

So again, let me lend my strongest and most enthusiastic support to the gentleman's efforts and commend this bill to my colleagues, and I ask for their support.

I am proud of my colleague, Chairman YOUNG and his staff for protecting our sports men and women around the country, and preserving the original purposes for which Pittman-Robertson and Dingell Johnson were enacted.

In 1937, a federal-state government cooperative program was begun for wildlife restoration. Monies are collected by the federal government from excises imposed on firearms, ammunition, and bows and arrows.

These taxes are returned to the states and territories for wildlife restoration or hunter safety and education programs.

Sportsmen are a unique group of people. How many people would voluntarily support and additional tax on themselves and send their money to Washington. On this side of the aisle were fighting everyday to help trim down the size of government and reduce our constituents taxes. I have not heard from one sportsman from my district to eliminate this excise tax. I have however heard from sportsman to return this program back to its original intent.

Sportsman support this program—or the intent of this program because—they are the true environmentalist. They want to preserve as wild life and natural habitats.

U.S. Fish and Wildlife has over stepped there bounds in administrating these funds. This legislation seeks to fix the loopholes that the Fish and Wildlife Service uses to justify the frivolous expenditures to quote/unquote administer this trust funds. I certainly understand and support the staff that helps distribute these funds back to our states, but the flagrant abuses and mismanagement of these funds has caused Congress to help U.S. Fish and Wildlife—follow the intent of the original Act.

This bill will streamline the use of the administration funds and define the how they can be used. This bill reduces bureaucracy in the U.S. Fish and Wildlife, increases accountability, and puts our conservation dollars into conservation projects back home. I would ask that my colleagues support Mr. YOUNG's bill and his amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the right to close.

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

Mr. Chairman, as we finish this debate, I would hope that we would be able to hold this in perspective, because I do not think that this bill is finished yet; I think, in fact, it is a work in progress. I hope that Members who are interested and concerned about this would just look at the letter from the International Association of Fish and Wildlife Agencies who are expressing some of the very same concerns that I am expressing about the funding levels in this legislation. We agree, they agree, and almost everybody in this Chamber agrees that many of these reforms are fine and should be made. But, when we get done, we have to leave this agency in a position to properly deal with the charge that we have given them.

As for those who want to keep coming here and saying that they want to slaughter this agency because GAO said this is the worst managed program they have ever seen, I think maybe that statement in and of itself would call into question the GAO audit. I wonder if the GAO ever took a look at the oil shale program. I bet that was a beaut. That was billions of dollars. Or, how about that coal fusion program where we were spending that money, those guys out in Utah still trying to bring it in on time. How about the uranium reprocessing program, the space station, the big dig going on up there in Boston, the Resolution Trust Corporation. Now, there is one that cost us hundreds of billions of dollars. This was the worst managed program these GAO auditors ever saw?

I have to tell my colleagues that these GAO auditors maybe just did not have the right experience, because as it turns out, as we reconcile all of the concerns that they raised and the issues that they raised, we are now down to about $700,000 of seriously questioned expenses that should not have been allowed.

So to suggest that somehow this agency has run amok, and I find it interesting that as we say that, we are now giving this agency in this legislation the exact duties that supposedly we criticized them for, but we know are

essential and must be done if, in fact, the State programs are going to work.

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So this is not the worst. Tragically to say for the taxpayers of this country, this is not the worst program GAO has ever encountered. Maybe this GAO auditor, but he probably was not around for that C–121 when the wings broke off. That was a hell of a program we had going there.

How about that one where we sent subsidized water so people will grow more cotton, but we have a cotton retirement program, so we buy the cotton back from them? That is going on today. There is a good program.

How about those KV funds, where the Forest Service could not tell us where any of the funds were? We still do not know today. Fortunately, the Committee on Appropriations started to put a stop to that.

That mining law has worked out well for the taxpayers of this country. We have lost billions and billions of dollars.

This is not the worst program. This is a program that has gotten off track. This is a program that has abused, has abused the authority that is given to it. We ought to put it back in line. I think the Chairman's legislation goes a long way toward that.

I still want to say that we have to leave this agency there, because those same sportsmen, hunters and fisherpersons that like this program, that use this program, have seen it improve. Their experience out there in the countryside recognizes the need of this agency to get that done in cooperation with the States.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do thank the gentleman from California for making my case. This is an agency that is off track. This is an agency, as I have said before, and I am not pointing fingers at any individual, that went from 2 percent to 14 percent. They spent money inappropriately. What we have to do is to gain the faith back from the sportsmen.

This is different than all the instances that the gentleman talked about the GAO investigating, the planes, et cetera. This is different. Every sportsman from 1937 took their money voluntarily and contributed 11 percent of the cost of that product to go into a fund to be redistributed back to the States to keep up the projects for fishing and hunting and other activities on our lands. That is what it was for. They did that voluntarily.

What we found out as this investigation went forward, we were finding out disgruntled sportsmen deciding that maybe they ought not to pay the tax, maybe we ought not to go forward with the program.

What I am trying to do with this legislation is to make sure there will be no money spent on things that were spent in the past such as travel, such as alcohol, such as things that the Congress would not appropriate money for, reestablishing the strength and trust of this trust fund.

In turn, as I have said before, if we adopt my amendment, they are at the same level that they said and required from me, $19 million to manage the program. We will lose, after 1 year, ten employees because they are bloated right now. The second year we will lose 10 more. That is 20 total. Then it is based upon the cost index, and they can get more if there is more need, or in fact if there is not a need they will get less. We are not gutting this program. In fact, we are encouraging the program.

The sportsmen I have heard from support what we are trying to do under this legislation. I urge my colleagues to support the legislation.

Mr. Chairman. I include the following exchange of letters for the RECORD.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that on Thursday, March 30, 2000, the Committee on Resources reported H.R. 3671, the ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000.'' As approved, the bill amends the Wildlife Restoration Act and Sport Fish Restoration Act programs and makes several changes relating to the expenditures of funds arising from dedicated excise taxes on recreational sporting and fishing equipment and supplies, generally.

As you know, each trust Fund in the Trust Fund Code includes specific provisions within the jurisdiction of the Committee on Ways and Means which limit purposes for which trust fund monies may be spent. Statutorily, the Committee on Ways and Means generally has limited expenditures by cross-referencing provisions of authorizing legislation. Currently, with respect to the Aquatic Resources Trust Fund (the ''Aquatic Fund''), the Trust Fund Code provisions approve all expenditures out of the Aquatic Fund permitted under authorization Acts, but only as those Acts were in effect on the date of enactment of the Transportation Equity Act for the 21st Century. Further, if unauthorized expenditures are made, no further tax revenues will be deposited to the Trust Fund. Thus, an Act not referenced in the Trust Fund Code must be approved by the Committee on Ways and Means before the authorizations are funded.

I now understand that you are seeking to have the bill considered by the House as early as this week. In addition, I have been informed that your Committee will seek an amendment incorporating language which I am supplying (attached) to make the necessary Trust Fund Code amendments to allow the proposed expenditures to occur.

Based upon this understanding, and in order to expedite consideration of H.R. 3671, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3671, and would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter.

With best personal regards,

BILL ARCHER,
Chairman.

Attachment.

AMENDMENT TO H.R. 3671, AS REPORTED
OFFERED BY MR. YOUNG OF ALASKA

Page 28, after line 24, insert the following:

SEC. . CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of the enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, April 3, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for your letter regarding an amendment to H.R. 3671, the Wildlife and Sportfish Restoration Programs Improvement Act of 2000. I appreciate your cooperation in providing a cross-reference in the Internal Revenue Code to allow our amendments to the Dingell-Johnson Sport Fish Restoration Act in H.R. 3671 to be executed and fully funded through the Aquatic Resources Trust Fund.

As you noted in your letter, I propose that this change be accomplished through a manager's amendment to H.R. 3671, which will be made in order by a rule for consideration of the bill. I concur that your acquiescence to this amendment not be considered prejudicial to your jurisdiction over this or any similar measure in the future, nor would it be considered as precedent for any future changes in trust fund accounts.

Thank you again for your timely assistance in moving H.R. 3671 to the Floor. Enactment of H.R. 3671 will ensure that the taxes paid by sportsmen and women will be used appropriately for fish and wildlife conservation projects with minimal administrative expenditures.

Sincerely,

DON YOUNG,
Chairman.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. This common sense bill will prevent dollars paid by sportsmen and sportswomen from being spent in ways that do not help wildlife, sport fish and related restoration efforts, and it will send more money to the states for them to use for conservation projects.

Currently, Oregon receives a little over $4.6 million under the Pittman-Robertson Act, and just under $5.5 million under the Dingell-Johnson Act. These dollars go to support important programs such as stocking fish, improving habitat, resource education, fisheries research for sports-fishing and building boat ramps and infrastructure to support the sports fishing industry. As an avid hunter and fisherman, I strongly support these two programs.

My colleagues on the Resources Committee held several hearings on these bills. Unfortunately, it was revealed through the hearings

that the funds withheld by the Fish and Wildlife Service to administer and execute the Pittman-Robertson and Dingell-Johnson Acts were used to fund unrelated expenses.

In addition, funds that were used for true administration of these programs were not used responsibly. I commend the committee for working with the Fish and Wildlife Service in coming to a bipartisan, common sense solution that uses more dollars for fish and wildlife and less on administration.

Mr. Chairman, programs that assist recreation and conservation are good for Oregon and good for the United States. Doing this in a way that decreases waste is even better. I urge my colleagues to join me in voting in favor of H.R. 3671.

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

The CHAIRMAN. 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 as read.

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

H.R. 3671

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 ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) WILDLIFE RESTORATION ACT.—The term ''Wildlife Restoration Act'' means the Act of September 2, 1937 (chapter 899; 16 U.S.C. 669 et seq.), popularly known as the Federal Aid in Wildlife Restoration Act and as the Pittman-Robertson Wildlife Restoration Act.

(2) SPORT FISH RESTORATION ACT.—The term ''Sport Fish Restoration Act'' means the Act of August 9, 1950 (chapter 658; 16 U.S.C. 777 et seq.), popularly known as the Federal Aid in Fish Restoration Act and as the Dingell-Johnson Sport Fish Restoration Act.

TITLE I—WILDLIFE RESTORATION

SEC. 101. EXPENDITURES FOR ADMINISTRATION.

(a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—Section 4 of the Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by amending so much as precedes the second sentence of subsection (a) to read as follows:

''ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS

''SEC. 4. (a) SET-ASIDE FOR ADMINISTRATION.—(1) Of the revenues (excluding interest accruing under section 3(b)) covered into the fund in each fiscal year, up to $5,000,000 may be used by the Secretary for expenses to administer this Act, in accordance with this subsection and section 9 in each of the fiscal years 2001, 2002, and 2003. Of the revenues (excluding interest accruing under section 3(b)) covered into the fund in each fiscal year, beginning in fiscal year 2004, such amount, adjusted annually to reflect the changes in the Consumer Price Index, not to exceed $7,000,000, may be used by the Secretary for expenses to administer this Act, in accordance with this subsection and section 9.

''(2)(A) The amount authorized to be used by the Secretary under paragraph (1) each fiscal year shall remain available for obligation for such use until the expiration of that fiscal year. Within 60 days after that fiscal year, the Secretary shall apportion among the States any of the amount that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts authorized by this Act are apportioned among the States for the fiscal year in which the apportionment is made.

''(B) Within 30 days after the end of each fiscal year, the Secretary shall—

''(i) certify in writing to the Secretary of the Treasury and to each State fish and game department—

''(I) the amount apportioned under subparagraph (A) to each State in the most recent apportionment under that subparagraph; and

''(II) amounts obligated by the Secretary during the fiscal year for administration of this Act; and

''(ii) publish in the Federal Register the amounts so certified.

''(b) APPORTIONMENT TO STATES.—''; and

(3) in subsection (b), as designated by the amendment made by paragraph (2), by striking ''after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,'' and inserting ''after deducting the amount authorized to be used under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion''.

(b) REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION.—Section 9 of the Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

''REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION

''SEC. 9. (a) AUTHORIZED ADMINISTRATIVE COSTS.—The Secretary may use amounts under section 4(a)(1) only for administration expenses that directly support the implementation of this Act and that consist of any of the following:

''(1) Personnel costs of any employee who directly administers this Act on a full-time basis.

''(2) Personnel costs of any employee who directly administers this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of such costs incurred with respect to the work hours of such employee during which the employee directly administers this Act, as such hours are certified by the supervisor of the employee.

''(3) Support costs directly associated with personnel costs authorized under paragraphs (1) and (2) of this subsection not including costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior, other than for purposes of this Act.

''(4) Costs to evaluate, approve, disapprove, and advise concerning comprehensive fish and wildlife resource management plans under section 6(a)(1) and wildlife restoration projects under section 6(a)(2).

''(5) Overhead costs, including general administrative services, that are directly attributable to administration of this Act based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) for those costs not determinable pursuant to subparagraph (A), an amount per full-time equivalent employee authorized pursuant to paragraphs (1) and (2) that does not exceed the amount charged or assessed for such costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service.

''(6) Costs incurred in auditing the wildlife and sportfish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department every 5 years.

''(7) Costs of audits under subsection (d).

''(8) Costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act.

''(9) Costs of travel to the States, territories, and Canada by personnel who administer this Act on a full-time basis for purposes directly related to administration of State programs or projects, or who administer grants under section 6, section 10, or section 11.

''(10) Costs of travel outside of the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks.

''(11) Relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time such relocation expenses are incurred.

''(12) Costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6, section 10, or section 11.

''(b) UNAUTHORIZED COSTS.—Use of funds for a cost to administer this Act shall not be authorized because the cost is not expressly prohibited by this Act.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary may not use amounts under section 4(a)(1) to supplement any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—(1) The Inspector General of the Department of the Interior shall procure the conduct of biennial audits, in accordance with generally accepted accounting principles, of expenditures of amounts used by the Secretary for administration of this Act.

''(2) Audits under this subsection shall be performed under contracts that are awarded under competitive procedures (as that term is defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), by a person that is not associated in any way with the Department of the Interior.

''(3) The auditor selected pursuant to paragraph (1) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary at the time such findings are submitted to the Inspector General of the Department of the Interior.

''(4) The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each such audit.

''(e) CERTIFICATION BY SECRETARY.—(1) The Secretary shall within 3 months after each fiscal year certify in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds used under section 4(a)(1) and a breakdown of categories for which such funds were expended.

''(B) The amount of funds apportioned to States under section 4(a)(2).

''(C) The results of the audits performed pursuant to subsection (d).

''(D) That all funds expended under section 4(a)(1) were necessary for administration of this Act.

''(E) The Secretary, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under this Act.

''(2) The Secretary may not delegate the responsibility to make certifications under paragraph (1) except to the Assistant Secretary for Fish and Wildlife and Parks.

''(3) Within 60 days after the start of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall provide to the Committee on Resources of the House of

Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds that will be expended in the fiscal year under section 4(a)(1) and a breakdown of categories for which such funds will be expended.

''(B) A description of how the funds to be expended are necessary for administration of this Act.

''(4) The Secretary shall promptly publish in the Federal Register each certification under this subsection.

''(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—Within 1 month after the end of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall—

''(1) certify that—

''(A) all amounts expended in that fiscal year to administer this Act in agency headquarters and in regional offices of the United State Fish and Wildlife Service were used in accordance with this Act; and

''(B) all such expenditures were necessary to administer this Act; and

''(2) distribute such certifications to each State fish and game department.''.

SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Wildlife Restoration Act is amended by redesignating section 10 as section 12, and by inserting after section 9 the following:

''FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS

''SEC. 10. (a) IN GENERAL.—Of the revenues covered into the fund in each fiscal year, $15,000,000, less the amount used under section 4(a) and the amount granted under section 11(a)(1), shall be apportioned among the States in the manner specified in section 4(b) by the Secretary for the following:

''(1) Grants to States for the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs.

''(2) Grants for the enhancement of interstate coordination and development of hunter education programs.

''(3) Grants to States for the enhancement of bow hunter and archery education, safety, and development programs.

''(4) Grants to States for the enhancement of construction or enhancement of firearm shooting ranges and archery ranges, and updating safety features of firearm shooting ranges and archery ranges.

''(b) COST-SHARING.—The Federal share of the cost of any activity carried out with a grant under this section may not exceed 75 percent of the total cost of the activity and the remainder of the cost shall come from a non-Federal source.

''(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—Amounts available under this subsection shall remain available for 1 fiscal year, after which all unobligated balances shall be apportioned among the States in the manner specified in section 4(b).''.

SEC. 103. MULTI-STATE CONSERVATION GRANT PROGRAM.

The Wildlife Restoration Act is further amended by inserting after section 10 the following:

''MULTI-STATE CONSERVATION GRANT PROGRAM

''SEC. 11. (a) IN GENERAL.—(1) Up to $2,500,000 of the revenues covered into the fund each fiscal year shall be available to the Secretary for making multi-State conservation grants in accordance with this section.

''(2) Amounts available under this subsection shall remain available for two fiscal years, after which all unobligated balances shall be apportioned in the manner specified in section 4(b).

''(b) SELECTION OF PROJECTS.—(1) A project shall not be eligible for a grant under this section unless it will benefit at least 26 States, a majority of the States in a region of the United States Fish and Wildlife Service, or a regional association of State fish and game departments.

''(2) The Secretary may award grants under this section based only on a priority list of wildlife restoration projects prepared and submitted by State fish and game departments acting through the International Association of Fish and Wildlife Agencies each fiscal year in accordance with paragraph (3).

''(3)(A) The International Association of Fish and Wildlife Agencies shall—

''(i) prepare each priority list through a committee comprised of the heads of State fish and game departments (or their designees);

''(ii) approve each priority list by a majority of the heads of all State fish and game departments (or their designees); and

''(iii) submit each priority list by not later than October 1 of each fiscal year to the Assistant Director for Wildlife and Sport Fish Restoration Programs, who shall accept such list on behalf of the Secretary.

''(B) In preparing any priority list under this paragraph, the International Association of Fish and Wildlife Agencies shall consult with nongovernmental organizations that represent conservation organizations, sportsmen organizations, and industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery.

''(4) The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under this subsection.

''(c) ELIGIBLE GRANTEES.—(1) The Secretary may make a grant under this section only to—

''(A) a State or group of States; or

''(B) subject to paragraph (2), a nongovernmental organization.

''(2) Any nongovernmental organization applying for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization does not promote or encourage opposition to regulated hunting or trapping of regulated wildlife, and will use any funds awarded pursuant to this section in compliance with subsection (d).

''(3) Any nongovernmental organization that is found to promote or encourage opposition to regulated hunting or trapping of regulated wildlife or does not use funds in compliance with subsection (d) shall return all funds received and be subject to any other penalties under law.

''(d) USE OF GRANTS.—Amounts provided as a grant under this section may not be used for education, activities, projects, or programs that promote or encourage opposition to regulated hunting or trapping of regulated wildlife.

''(e) CLARIFICATION.—No activities undertaken by the personnel of State fish and game departments under this section shall constitute advice or recommendations for 1 or more agencies or officers of the Federal Government.''.

SEC. 104. MISCELLANEOUS PROVISIONS.

Section 5 of the Wildlife Restoration Act (16 U.S.C. 669d) is amended by inserting '', at the time such deduction or apportionment is made'' after ''he has apportioned to each State''.

TITLE II—SPORT FISH RESTORATION

SEC. 201. EXPENDITURES FOR ADMINISTRATION.

(a) ANNUAL SET-ASIDE FOR ADMINISTRATION.—Section 4(d) of the Sport Fish Restoration Act (16 U.S.C. 777c(d)) is amended to read as follows:

''(d)(1) Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 14, up to $5,000,000 may be used by the Secretary of the Interior for expenses in accordance with this subsection and section 9 in each of the fiscal years 2001, 2002, and 2003. Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 14, beginning in fiscal year 2004, such amount, adjusted annually to reflect the changes in the Consumer Price Index, not to exceed $7,000,000, may be used by the Secretary of the Interior for expenses in accordance with this subsection and section 9.

''(2) The amount authorized to be used by the Secretary under paragraph (1) each fiscal year shall remain available for obligation for such use until the expiration of that fiscal year. Within 60 days after the end of that fiscal year, the Secretary shall apportion any of the amount that remains unobligated at the end of the fiscal year on the same basis and in the same manner as other amounts authorized by this Act are apportioned among the States under section 4(e) for the fiscal year in which the apportionment is made.''.

(b) REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION.—Section 9 of the Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

''REQUIREMENTS AND RESTRICTIONS REGARDING USE OF AMOUNTS FOR ADMINISTRATION

''SEC. 9. (a) AUTHORIZED ADMINISTRATION COSTS.—The Secretary of the Interior may use amounts under section 4(d) only for administration expenses that directly support the implementation of this Act and that consist of any of the following:

''(1) Personnel costs of any employee who directly administers this Act on a full-time basis.

''(2) Personnel costs of any employee who directly administers this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of such costs incurred with respect to the work hours of such employee during which the employee directly administers this Act, as such hours are certified by the supervisor of the employee.

''(3) Support costs directly associated with personnel costs authorized under paragraphs (1) and (2).

''(4) Costs to evaluate, approve, disapprove, and advise concerning comprehensive fish and wildlife resource management plans under section 6(a)(1) and fish restoration and management projects under section 6(a)(2).

''(5) Overhead costs, including general administrative services, that are directly attributable to administration of this Act based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) for those costs not determinable pursuant to subparagraph (A), an amount per full-time equivalent employee authorized pursuant to paragraphs (1) and (2) that does not exceed the amount charged or assessed for such costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service.

''(6) Costs incurred in auditing the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department every 5 years.

''(7) Costs of audits under subsection (d).

''(8) Costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act.

''(9) Costs of travel to the States, territories, and Canada by personnel who administer this Act on a full-time basis for purposes directly related to administration of State programs or projects, or who administer grants under section 6 or section 14.

''(10) Costs of travel outside of the United States (except travel to Canada) that relates to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks.

''(11) Relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time such relocation expenses are incurred.

''(12) Costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6 and section 14.

''(b) UNAUTHORIZED COSTS.—Use of funds for a cost to administer this Act shall not be authorized because the cost is not expressly prohibited by this Act.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary may not use amounts under section 4(d) to supplement any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—(1) The Inspector General of the Department of the Interior shall procure the conduct of biennial audits, in accordance with generally accepted accounting principles, of expenditures of amounts used by the Secretary for administration of this Act.

''(2) Audits under this subsection shall be performed under contracts that are awarded under competitive procedures (as that term is defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), by a person that is not associated in any way with the Department of the Interior.

''(3) The auditor selected pursuant to paragraph (1) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time such findings are submitted to the Inspector General of the Department of the Interior.

''(4) The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each such audit.

''(e) CERTIFICATION BY SECRETARY.—(1) The Secretary of the Interior shall within 3 months after each fiscal year certify in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds used under section 4(d) and a breakdown of categories for which such funds were expended.

''(B) The amount of funds apportioned to States under section 4(d)(2)(A).

''(C) The results of the audits performed pursuant to subsection (d).

''(D) That all funds expended under section 4(d) were necessary for administration of this Act.

''(E) The Secretary, Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under this Act.

''(2) The Secretary may not delegate the responsibility to make certifications under paragraph (1) except to the Assistant Secretary for Fish and Wildlife and Parks.

''(3) The Secretary shall promptly publish in the Federal Register each certification under this subsection.

''(f) CERTIFICATION BY ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.—Within 1 month after the end of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall—

''(1) certify that—

''(A) all amounts expended in that fiscal year to administer this Act in agency headquarters and in regional offices of the United States Fish and Wildlife Service were used in accordance with this Act; and

''(B) all such expenditures were necessary to administer this Act; and

''(2) distribute such certifications to each State fish and game department.''.

SEC. 202. MULTI-STATE GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Sport Fish Restoration Act is amended by striking the second section 13 (16 U.S.C. 777 note) and inserting the following:

''MULTI-STATE CONSERVATION GRANT PROGRAM

''SEC. 14. (a) IN GENERAL.—(1) Of the balance of each annual appropriation made in accordance with section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 each fiscal year, up to $2,500,000 shall be available to the Secretary of the Interior for making multi-State conservation grants in accordance with this section.

''(2) Amounts available under this subsection shall remain available for 2 fiscal years, after which all unobligated balances shall be apportioned in the manner specified in section 4(e).

''(b) SELECTION OF PROJECTS.—(1) A project shall not be eligible for a grant under this section unless it will benefit at least 26 States, a majority of the States in a region of the Fish and Wildlife Service, or a regional association of State fish and game departments.

''(2) The Secretary of the Interior may award grants under this section based only on a priority list of sportfish restoration projects prepared and submitted by State fish and game departments acting through the International Association of Fish and Wildlife Agencies each fiscal year in accordance with paragraph (3).

''(3)(A) The International Association of Fish and Wildlife Agencies shall—

''(i) prepare each priority list through a committee comprised of the heads of State fish and game departments (or their designees);

''(ii) approve each priority list by a majority of the heads of State fish and game departments (or their designees); and

''(iii) submit each priority list by not later than October 1 of each fiscal year to the Secretary of the Interior.

''(B) In preparing any priority list under this paragraph, the International Association of Fish and Wildlife Agencies shall consult with nongovernmental organizations that represent conservation organizations, sportsmen organizations, and industries that fund the Sport Fish Restoration Programs.

''(4) The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under this subsection.

''(c) ELIGIBLE GRANTEES.—(1) The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States; or

''(B) subject to paragraph (2) a nongovernmental organization.

''(2) Any nongovernmental organization applying for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization does not promote or encourage opposition to the regulated taking of fish and will use any funds awarded pursuant to this section in compliance with subsection (d).

''(3) Any nongovernmental organization that is found to promote or encourage opposition to the regulated taking of fish or does not use funds in compliance with subsection (d) shall return all funds received and be subject to any other penalties under law.

''(d) USE OF GRANTS.—Amounts provided as a grant under this section may not be used for education, activities, projects, or programs that promote or encourage opposition to the regulated taking of fish.

''(e) CLARIFICATION.—No activities undertaken by the personnel of State fish and game departments, other State agencies, or organizations of State fish and game departments under this section shall constitute advice or recommendations for 1 or more agencies or officers of the Federal Government.

''(f) FUNDING FOR MARINE FISHERIES COMMISSIONS.—Of the balance of each annual appropriation made in accordance with section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 each fiscal year and after deducting amounts used for grants under subsection (a) of this section, $200,000 shall be available for each of—

''(1) the Atlantic States Marine Fisheries Commission;

''(2) the Gulf States Marine Fisheries Commission;

''(3) the Pacific States Marine Fisheries Commission; and

''(4) the Great Lakes Fisheries Commission.''.

(b) CONFORMING AMENDMENTS.—Section 4 of the Sport Fish Restoration Act (16 U.S.C. 777c) is amended in subsection (e) by inserting ''of this section and section 14'' after ''subsections (a), (b), (c), and (d)''.

SEC. 203. CERTIFICATIONS.

Section 5 of the Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

(1) by striking ''SEC. 5.'' and inserting the following:

''CERTIFICATIONS

''SEC. 5. (a) ADMINISTRATIVE DEDUCTION AND STATE APPORTIONMENTS.—'';

(2) in subsection (a) (as designated by the amendment made by paragraph (1) of this section) by inserting '', at the time such deduction or apportionment is made'' after ''apportioned to each State for such fiscal year''; and

(3) by adding at the end the following:

''(b) FISCAL YEAREND CERTIFICATION BY SECRETARY.—Within 30 days after the end of each fiscal year, the Secretary of the Interior shall—

''(1) certify in writing to the Secretary of the Treasury and to each State fish and game department—

''(A) the amount apportioned under section 4(d)(2) to each State in the most recent apportionment under that section for that fiscal year; and

''(B) amounts obligated by the Secretary during the fiscal year for administration of this Act; and

''(2) publish in the Federal Register the amounts so certified.

''(c) CERTIFICATION BY ASSISTANT DIRECTOR.—(1) Within 60 days after the start of each fiscal year, the Assistant Director for Wildlife and Sport Fish Restoration Programs shall provide to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the following for the fiscal year:

''(A) The amount of funds that will be expended in the fiscal year under section 4(d)(2) and a breakdown of categories for which such funds will be expended.

''(B) A description of how the funds to be expended are necessary for administration of this Act.

''(2) The Secretary of the Interior shall promptly publish in the Federal Register each certification under this subsection.''.

SEC. 204. PERIOD OF AVAILABILITY.

Section 4(f) of the Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking the first sentence.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 301. DESIGNATION OF PROGRAMS.

The programs established under the Wildlife Restoration Act and the Sport Fish Restoration Act may be collectively referred to as the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs.

SEC. 302. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

(a) ESTABLISHMENT.—There is established within the United States Fish and Wildlife Service of the Department of the Interior an Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) SUPERIOR.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) RESPONSIBILITIES.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs under the Wildlife Restoration Act and the Sport Fish Restoration Act.

SEC. 303. CHIEF OF THE DIVISION OF FEDERAL AID.

The Chief of the Division of Federal Aid of the Department of the Interior, or any similar position, is abolished and the duties of that position shall be the responsibility of the Assistant Director for Wildlife and Sport Fish Restoration Programs.

The CHAIRMAN. The amendment printed in House Report 106–558 shall be considered as read and shall not be subject to amendment or to a demand for division of the question.

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 as 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 amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106–558 offered by Mr. YOUNG of Alaska:

Page 3, strike line 19 and all that follows through page 4, line 5, and insert the following:

''SEC. 4. (a) SET-ASIDE FOR ADMINISTRATION.—(1)(A) Of the revenues (excluding interest accruing under section 3(b)) covered into the fund, the Secretary may use up to the amount specified in subparagraph (B) for expenses to administer this Act, in accordance with this subsection and section 9.

''(B) The amount referred to in subparagraph (A) is the following:

''(i) In fiscal year 2001, $7,090,000.

''(ii) In fiscal year 2002, $6,710,000.

''(iii) In fiscal year 2003, $6,330,000.

''(iv) In fiscal year 2004 and each fiscal year thereafter—

''(I) the amount available for the preceding fiscal year, plus

''(II) an amount to reflect the change in the consumer price index over the preceding fiscal year, which shall be determined by the Secretary of the Treasury by multiplying such change times the amount available for the preceding fiscal year.

Page 16, strike line 18 and all that follows through page 17, line 5, and insert the following:

''(d)(1)(A) Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 14, the Secretary of the Interior may use up to the amount specified in subparagraph (B) for expenses to administer this Act, in accordance with this subsection and section 9.

''(B) The amount referred to in subparagraph (A) is the following:

''(i) In fiscal year 2001, $7,090,000.

''(ii) In fiscal year 2002, $6,710,000.

''(iii) In fiscal year 2003, $6,330,000.

''(iv) In fiscal year 2004 and each fiscal year thereafter—

''(I) the amount available for the preceding fiscal year, plus

''(II) an amount to reflect the change in the consumer price index over the preceding fiscal year, which shall be determined by the Secretary of the Treasury by multiplying such change times the amount available for the preceding fiscal year.

Page 6, strike lines 16 through 19 and insert the following:

''(4) Costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design.

Page 12, line 19, after ''education'' insert ''and shooting range''.

Page 12, line 25, strike ''enhancement'' and insert ''development''.

Page 15, line 16, strike ''regulated''.

Page 15, line 20, strike ''regulated''.

Page 18, strike lines 12 through 16 and insert the following:

''(4) Costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design.

Page 28, after line 24, insert the following:

SEC. ___. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of the enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

Mr. YOUNG of Alaska. Mr. Chairman, this is an amendment which increases the funding levels in the bill from $10 million to $14 million for true administration expenses, but also assumes a transition period that reduces the number of program administrators from 120 to 100 over a period of 3 years, and then it adjusts upward thereafter based on the Consumer Price Index.

This amendment makes other technical changes to make sure the bill conforms with the Pittman-Robertson Dingell-Johnson Acts that we are not omitting at this time.

Mr. Chairman, I would suggest respectfully that this should answer the concerns of the gentleman from California about not having enough money. It raises the expenses, at least $5 million more. That is $19 million total. In 3 years, we drop the participation of the administrators from 120 to 100. Then if they need more after that, it will ratchet back up if necessary.

Mr. Chairman, I urge the adoption of the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I raise the questions I raised earlier about those amendments, whether or not this goes far enough. I appreciate that the gentleman has added some money back. As I understand it, the $5 million is money that will go directly to the States as part of the national program, so I think where we are left is about $14 million for administration.

As I read the letters, again, from the International Association of Fish and Wildlife Agencies and the National Wildlife Federation, again, who are strong supporters of this legislation and of the program, they indicate that they think that the figure is somewhat higher than that.

Originally we had talked about 18. That did not happen. They mentioned 16. Their formula figure may take it above that.

We are obviously not going to solve that issue here today, but I would hope that the gentleman would continue to consult with these supporters of the programs and certainly with the State wildlife agencies that are administering the State side of that program, because I think they do raise the concerns about that.

I do not know that exact figure yet, however. I believe it is higher than the figure the gentleman has in his budget. I would just hope that that could be done certainly before we contemplate sending this legislation to the White House.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Again if I can get the figures from the Fish and Wildlife directly, an explanation of what it is being spent for, I am willing to adjust these figures. This is the best we can do right now. I believe it is correct. We are not cutting back on the State administrators, other than 20. Then we will ratchet it back up over 3 year's time.

I think we are meeting most of those goals which the gentleman has raised in the point of order. We will go to the Senate. We will be talking.

Mr. GEORGE MILLER of California. Mr. Chairman, we have talked long, and the gentleman from Michigan (Mr. DINGELL) and others who have been long involved in the program. We want to see this program come out whole at the end of this process with these changes and with this accountability. That is very important, I think, to all of our constituents.

I am not happy raising these issues, but I think they have to be raised so that we can arrive at a point where we are comfortable and we can tell the State agencies and the other organizations that work with them in cooperation that we have made this program whole and it is doing the things for which it was designed and which are appropriate for it to do.

I raise this at this time in conjunction with the manager's amendment.

The CHAIRMAN. Are there additional Members to speak on this amendment?

If not, the question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 30, after line 6 insert the following:

SEC. 304. IMPLEMENTATION REPORT.

(a) TIMING.—At the time the President submits a budget request for the Department of the Interior for the third fiscal year beginning after the date of enactment of this Act, the Secretary of the Interior shall inform the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate about the steps taken to comply with this Act.

(b) CONTENTS.—The report required by this section shall indicate—

(1) the extent to which compliance with this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs;

(2) any revisions to this Act that would be desirable in order for the Secretary to adequately administer such programs and assure that funds provided to state agencies are properly used; and

(3) any other information regarding the implementation of this Act that the Secretary considers appropriate.

Mr. UDALL of Colorado (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 Colorado?

There was no objection.

Mr. UDALL of Colorado. Mr. Chairman, I will make a brief statement about the amendment.

The amendment is very simple. It would require the Secretary of the Interior to inform the Committee on Resources and the corresponding committee of the other body about administrative changes required by this bill.

In particular, it would require the Secretary to tell us about any reduction in the number of people assigned, to make sure that these important programs are being properly administered.

As I mentioned when the Committee on Resources considered the bill, these programs are very important for Colorado and all the other 49 States and territories. The assistance they can provide can help us greatly as we work to respond to the pressures on our fish and wildlife populations and the habitat that are coming under increasingly rapid population stresses and the resulting growth and sprawl.

The programs cannot be properly administered without adequate personnel and other resources, however. So I take seriously the concerns expressed by the Wildlife Management Institute, the International Association of Fish and Wildlife Agencies, and others who tell us that they fear that the bill's current limits threaten to undermine the ability of the Department of the Interior to properly manage the programs.

This amendment itself would not revise the bill's limits on administrative expenses, but it would require the Department of the Interior to inform the committee and the Congress about how those limits affect the implementation of these important programs.

With that information, the committee in the future can consider whether or not to propose changes to that part of the bill.

I think the amendment does not detract from the purpose of the bill. It merely provides for our obtaining information for consideration as the committee carries out its future oversight and review responsibilities.

Mr. Chairman, I urge the adoption of the amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my amendment provides a transition period to scale the program back slightly, making it more effective. We keep the level of current employees, 120, constant for the first year, and have a gradual reduction in the years following.

If the gentleman has modified his amendment by changing the word ''first'' to ''third,'' which would allow the bill to take effect before the report is issued, then I would accept his amendment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I would be glad to modify the amendment to change ''first'' to ''third.'' Whatever the chairman would like to do, I am with him.

Mr. YOUNG of Alaska. Mr. Chairman, I think everything is taken care of. We have all agreed.

Mr. UDALL of Colorado. Mr. Chairman, I think the amendment has already been modified at the desk. We are on the same page.

Mr. YOUNG of Alaska. I apologize. I think the staff has told me that is settled.

The CHAIRMAN. The Chair would notify all Members that the modification was actually made to the amendment that was offered, so there is no need to modify based upon the conversation.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really appreciate the leadership that has been shown on this very important bill, and the leadership and thoughtfulness that has gone into the amendment, because I do think that the committee does need to make sure that there is good oversight, because we had some very serious problems with the Pittman-Robertson administration of the funds.

I want to make it very, very clear, Mr. Chairman, that this legislation is very good, and it does not mean that we should stop pursuing violations that have occurred under current law. I think our investigation that was conducted in the committee clearly exposed the wrongs, and the wrongdoing must have consequences.

Mr. Chairman, what we have learned so far about this issue was disturbing, and this is the reason why we are on this House floor today, because millions of dollars specifically designated for the administration of the Federal Aid program established through the Pittman-Robinson Act and the Dingell-Johnson Act were diverted into a slush fund for the Secretary of the Interior.

The Secretary has subsequently divvied these monies out under a completely unauthorized Directors' Conservation Fund. Mr. Chairman, as we have broken these illegal expenditures down, the revelations about where these funds were spent really infuriated the sportsmen and really bothered taxpayers, who have generously contributed to this program. These funds are set aside by law to go towards State fish and game programs, but instead, the funds have gone toward Federal initiatives such as the spotted owl and the ferry shrimp and wolf reintroduction, the black-footed ferret, the American Rivers Conference, the Arctic Conference, and the grizzly bears that are attempted to be introduced into Idaho.

□ 1700

Moreover, the secretary did go ahead and use some of these funds for areas even completely unrelated to wildlife, such as NAFTA and Retirement Costs, the RAMSAR Convention and the Solicitor's Office.

Mr. Chairman, common sportsmen and women of this Nation were very disturbed to know that instead of going to the State to improve big game habitat nearly $668,000 of their hard-earned dollars were being spent on about up to 140 Federal AID employees in the form of bonuses, as well as $108,000 to personnel who do not even work for Federal AID, they were given awards.

These are the same Federal officials who in 1995 gave a mere $89 of carried-over administrative funds back to the States while keeping over $1 million for themselves.

This is a bipartisan effort, Mr. Speaker, and it is a bill very worthy of bipartisan support to correct some of the wrongs that have gone on in this particular fund. With the careful oversight of the committee in the future, I feel confident that it will be corrected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Interior shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (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 Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I would like to start out by commending the gentleman from Alaska (Mr. YOUNG) on a much-needed measure of reform. Congress was not designed to send signals. We do not work for the Western Union. Congress' role is to pass legislation, and the gentleman from Alaska (Mr. YOUNG) and the committee is doing the right thing.

I hope our great leader, the gentleman from California (Mr. GEORGE MILLER), will reconcile himself to that fact and in the final analysis work towards these goals.

I want to also pay a special tribute on behalf of all the sportsmen in America to the gentleman from Michigan, big JOHN DINGELL, the great job he has done and the fingerprints that he has over the years in this legislation now being modified by our chairman. I support the bill and I support these reforms.

My amendment deals with the money. They must comply with the Buy American Act, giving notice to the people who have given the money who has been wasting it. By the way, if they are going to continue to waste it, buy American made goods with it. I hope they do not waste it. There will be a notice given and if they do not comply with the act or place a fraudulent label on something that they purchase, they would be prohibited from engaging in business with the agencies herein affected and impacted by this legislation.

With that, I would ask the committee to accept this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cannot argue against the gentleman's comments and I would gladly accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

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. THUNE) having assumed the Chair, Mr. BURR of North Carolina, 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. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes, pursuant to House Resolution 455, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendment was agreed to.

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

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

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

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

Mr. YOUNG of Alaska. 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 423, nays 2, not voting 9, as follows:

[Roll No. 105]

YEAS—423

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

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

NAYS—2

Jackson (IL)	Waters

NOT VOTING—9

Archer	Cook	Vento
Campbell	Crane	Wynn
Clement	Rangel	Young (FL)

□ 1727

Messrs. ENGEL, NADLER and HALL of Texas changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3671.

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

There was no objection.

UNITED STATES DEPARTMENT OF TRANSPORTATION BIENNIAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION CALENDAR YEARS 1996–1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I herewith transmit the Department of Transportation's Biennial Report on Hazardous Materials Transportation for Calendar Years 1996–1997. The report has been prepared in accordance with the Federal hazardous materials transportation law, 49 U.S.C. 5121(e).

WILLIAM J. CLINTON.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THUNE). 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana 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 Georgia (Mr. NORWOOD) is recognized for 5 minutes.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–562) on the resolution (H. Res. 460) providing for consideration of the bill (H.R. 1776) to expand homeownership in the United States, which was referred to the House Calendar and ordered to be printed.

PRESIDENTIAL DIRECTIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, most Americans possess little knowledge of or experience with the subject of presidential directives. Indeed, even those familiar with executive orders and proclamations may not understand the full impact of these directives on Federal, State, and local laws or on the balance of power in this Nation.

By issuing executive orders, which infringe on congressional authority, it has become increasingly clear that the President is skirting the constitutional process and meddling in the legislative affairs of Congress. The result is a subtle erosion of our representative self-government and the rule of law.

The President seeks to expand his authority beyond what the Constitution allows. He is using directives to seize land, usurp State law, expand the Federal Government, and spend taxpayer dollars without congressional authorization. This definition of executive power would have astonished the framers of our constitution. Their structure of government deliberately rejected the British model, which gave the king all executive authority.

A steady increase in controversy over executive orders and presidential proclamations has arisen since FDR's first administration. Judging by the comments of the White House, we have even more reason to be concerned. Mr. Podesta, the President's Chief of Staff, has outlined the President's plan to issue a series of executive orders and other directives that will become the force and effect of law. Thus, if unchallenged, the President has taken legislative power without first getting the okay from Congress.

Congress should be outraged by the President's staff, as they look for ways to bypass the legislative branch. We have seen this before. When the President issued his Executive Order on striker replacement, he attempted to do what had been denied him by the regular legislative process. In addition, when the President issued his proclamation establishing a national monument in Utah, he again tried to do what he had been unable to do in Congress.

I am deeply concerned with executive lawmaking, and if Congress does not openly challenge the President, we are surely surrendering our liberty. It seems clear that the President plans on using Executive Orders and other presidential directives to implement his agenda without the consent of Congress. Executive lawmaking is a violation of the Constitution and the doctrine of separation of powers. As Article I states, all legislative powers shall be vested in the Congress.

In the legislative veto decision of 1983, the Supreme Court insisted that congressional power be exercised in accord with a single finely wrought and exhaustively considered procedure. The Court said that the records of the Philadelphia Convention and the State ratification debates provide unmistakable expression of a determination that the legislation by the national Congress be a step-by-step deliberate and deliberative process. If Congress is required to follow this rigorous process,

how absurd it is to argue that a President can accomplish the same result by unilaterally issuing executive orders or presidential proclamations.

Mr. Speaker, we must not be lulled into complacency. It is time to clarify the scope of executive authority vested in the Presidency by Article II of the Constitution. The Supreme Court has failed to address this issue and it is time for Congress to invoke the powerful weapons at its command. Through its ability to authorize programs and appropriate funds, Congress can define and limit presidential power. As Members, we must participate in our fundamental duty of overseeing executive policies, passing judgment on them, and behaving as the legislative branch should.

Eternal vigilance is still the price of liberty, Mr. Speaker.

PERSONAL EXPLANATION

Mr. WEINER. Mr. Speaker, on March 30 the President and I made a Social Security policy announcement with senior citizens in my district. As a result, I was unable to vote in favor of the Emergency Supplemental Appropriations bill for fiscal year 2000. Had I been present, I would have voted as follows:

Rollcall 91, the Stearns amendment, no; on rollcall 92, the Paul amendment, no; on rollcall 93, the Tancredo amendment, no; on rollcall 94, on the Motion to Recommit, yes; and on rollcall 95, final passage, yes.

FLUSHING REMONSTRANCE RECOGNIZED AS FOUNDATION OF RELIGIOUS LIBERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I rise to recognize the significance of a document that was fundamental in shaping the United States as a land of liberties. I am not speaking about the Declaration of Independence, or the Constitution, for that matter. The document I want to recognize is the Flushing Remonstrance, which was written nearly 120 years before the Declaration of Independence.

For 300 years, the Flushing Remonstrance, the first recorded defense of religious freedom in the new world, was locked away in a vault in Albany, New York. The Remonstrance is believed by historians to be the first Declaration of Independence and a forerunner of the first amendment.

As a result of the efforts of the Queens Courier, an award-winning community weekly newspaper, this historic document was brought to Queens for a viewing at the Flushing Library. The initiative was spearheaded by David Oats, a historian and special projects editor for that newspaper.

Now that that public display at the library is ending, I am working with the Courier and community groups to seek permanent custody of this document in Queens County, particularly in Flushing, New York.

The saga of the document began more than 340 years ago when a group of about 30 freeholders in Flushing held a town meeting to discuss Governor Peter Stuyvesant's restrictions on the Quakers because they were not members of the Dutch Reform Church. The Flushing Remonstrance lay the groundwork of this early colony in America, which is located in what is now called Flushing, in my congressional district of Queens, New York.

I have informed the State that the best argument for moving the document to Flushing is its very name, the Flushing Remonstrance. It has lain dormant for years in a vault in Albany. I will continue to urge the State of New York to permanently relocate the Flushing Remonstrance in its rightful place in Flushing, Queens, New York.

Mr. Speaker, Flushing, New York, in all likelihood, is probably the most diverse place in the entire world. We have more ethnic and racial and religious makeups than any corner of this country certainly, and, therefore, I believe, anywhere in the world. It is appropriate that the Flushing Remonstrance find its way home to Flushing, Queens.

We probably need it more now than ever to remind people of the rich history of diversity and tolerance in Queens County, particularly in Flushing. It will be a perfect reminder for not only future generations but for generations here now, to remind them of the rich history that lay in Flushing, Queens, a rich history that I would like to bring out more. I believe if this document is relocated back in its rightful place and home, we will go a long way in accomplishing that.

Mr. Speaker, I commend the Queens Courier and the Queens Public Library for its campaign to bring the Flushing Remonstrance to Queens permanently.

LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, today I am introducing the Library of Congress Financial Management Act of 2000, bipartisan legislation which will authorize the Library to create a revolving fund which would allow a number of the Library's cost-recovery programs to operate more efficiently. This legislation, which the Library has sought for a number of years, would provide for more efficient and accountable financial management of fee-based Library programs and would correct longstanding deficiencies first identified by the General Accounting Office in 1991 and highlighted in subsequent independent audits.

The legislation has bipartisan, bicameral support. Our colleague Senator COCHRAN of Mississippi, who serves with me as a member of the Joint Committee of Congress on the Library, has introduced similar legislation in the Senate (S. 2286). It is especially appropriate for Congress to address these matters now, in the year of the Library's Bicentennial, as the Library retools itself to meet the needs of Congress and the American people in the new century.

The bill authorizes a financial restructuring of existing fee-based program operations. It authorizes no new fees, other than for specified activities relating to audio-visual preservation services associated with the Library's role as a national conservation center.

The bill would increase the efficiency of the Library's cost-recovery programs by establishing a systematic relationship between program costs and fees charged, setting program operations on a more business-like foundation. A 1996 Library of Congress management audit report stated that ''charging fees for services works best when the appropriate financial structures, such as revolving funds, are in place.'' The report also stated that a revolving fund mechanism allows managers to better control their resources, monitor their costs, and track performance, and most importantly, allow accumulation of reserves for slow periods and the development of strategic plans that address productivity objectives across fiscal years.

This legislation will increase the accountability of the Library's current self-sustaining programs by: providing proper statutory authority for retaining receipts, as GAO has often suggested; limiting obligations to amounts approved in annual appropriations bills; requiring annual independent audits of financial statements following government auditing standards; requiring annual submission of the audited financial statements to Congress; and establishing separate accounts for each fund service unit.

In the most recent audit report reviewing the Library's financial statements, the independent auditor again noted the Library's need for proper Congressional authority to operate gift revolving funds. This is now the sole remaining vulnerability identified by the auditor's examination of compliance with certain laws and regulations.

The bill will also transfer to the revolving fund certain cost-recovery programs currently authorized under the Economy Act. The major programs included are FedLink and Federal Research Division [FRD]; the services the Library of Congress is able to provide the federal sector through these programs are invaluable, and the Library is uniquely able to provide them because of its collections and its acquisitions expertise. The transfer of these programs to a revolving fund will eliminate significant costs currently incurred by annual shut-down and start-up imposed under that Act.

With the requested revolving fund authority, federal libraries participating in FedLink could save, in the aggregate, an estimated $1.37 million each year in increased efficiencies and improved vendor discounts. The paperwork burden of federal librarians, such as overly complex inter-agency agreements and year-end closeout, refund and re-registration chores required by the Economy Act, could also be significantly reduced. Revolving fund authority would, simply put, save costs and place both programs on a firmer business foundation.

The Financial Management Act also includes language to update the outdated 1902 law authorizing the sale of cataloging data to

libraries across the nation, by allowing the use of new technologies and enabling a more businesslike cost-recovery mechanism. In addition, it includes administrative changes to the Library of Congress Trust Fund Board to permit more efficient operation of the Board's decision-making functions.

The Library's Inspector General, in reviewing this legislation, strongly believes it will strengthen the internal controls and accountability of the Library's business-type operations, as well as clarify the legislative authority for the operation of these programs.

Mr. Speaker, a more detailed section-by-section description of the legislation follows:

THE LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 2000 SECTION-BY-SECTION ANALYSIS

SUMMARY

The Library of Congress Financial Management Act of 2000 is intended to improve the Library of Congress's financial management and administration and to maximize the use of its resources. The bill encompasses three changes in the Library's authorizing legislation: (1) it establishes a revolving fund for the operation of most cost-recovery services, as recommended by the General Accounting Office, and Economy Act (inter-agency) activities; (2) it updates the 1902 authority provided in 2 U.S.C. 150 that allows the sale of cataloging products and services to the nation's libraries; and (3) it makes needed changes to enhance the continuity of the Library's Trust Fund Board.

TITLE I. LIBRARY OF CONGRESS REVOLVING FUND

The legislation establishes cost recovery for the direct and indirect costs of information products and services, through a Library of Congress Revolving Fund. This practice embodies the principles of 31 U.S.C. 9701: ''It is the sense of Congress that each service or thing of value provided by an agency . . . to a person . . . is to be self-sustaining to the extent possible.''

The Library currently provides a variety of these types of services through various self-sustaining funds, the most notable of which, the Photoduplication Service, has existed since 1938. However, the General Accounting Office (GAO) in its August 1991 report, First Audit of the Library of Congress Discloses Significant Problems (as well as subsequent reviews), recommended the Library seek authorization of a separate revolving fund to handle these types of activities. This legislation enables the Librarian to implement that recommendation.

A fundamental reason to establish a revolving fund is to provide for the systematic disclosure of the relationship between program income and costs for products and services, thereby providing a firm basis for decisions regarding services to be undertaken and prices to be charged. Thus, the revolving fund will improve accountability to the Congress, as recommended by the GAO.

Section 101. Availability of fund service activities

This section authorizes the Librarian of Congress to: (1) establish specific cost-recovery activities as Revolving Fund service activities; and (2) establish Revolving Fund service units to carry out activities supported by the revolving fund's cost-recovery mechanism. These service units (an organizational term already employed in the Library) may be partially or fully sustained through the Revolving Fund established under the Act.

The intent of this provision is to authorize, but not require, fee service activities to operate under the revolving fund on or after the effective date of this Act. The Library anticipates restructuring the financial operation of these activities as soon as is feasible, but it is recognized that it may be necessary to transfer some activities to the revolving fund in phases.

Section 102. Fund service activities authorized

This section lists the Fund service activities authorized by this act that may be conducted by Fund service units. These activities are limited to the following seven: (1) preparation of research reports, translations, analytical studies, and related services, for any entity of the Federal government or the District of Columbia (but would not, for example, cover such appropriated research activities as those conducted for the Congress by the Congressional Research Service); (2) centralized acquisition of publications and library materials in any format; information, research, and library support services; training in library and information services; and related services for any entity of the Federal government or the District of Columbia; (3) decimal classification development; (4) gift shop and other activities involving sale of items associated with Library collections, exhibits, performances, or other events; (5) location, copying, storage, preservation and delivery services for library materials (not including domestic interlibrary loans), and international interlibrary lending; (6) special events and programs, performances, exhibits, workshops, and training; and (7) cooperative acquisitions of foreign publications and research materials and related services on behalf of participating institutions.

For the most part, these activities describe programs the Library conducts currently. Some examples of these current activities are: a bibliography of citations to scientific literature on the earth's cold regions, compiled for the National Science Foundation; area studies handbooks prepared for the Department of Defense; centralized and cost-effective procurement of commercial database services for Federal agencies through FedLink; sale of exhibition catalogs in the gift shop, such as Rome Reborn: the Vatican Library & Renaissance Culture, and African American Odyssey: A Quest for Full Citizenship; development of the Dewey Decimal classification tables, and the Library's Cooperative Acquisitions Program, which will be folded into the newly created fund under this legislation.

Charging fees under the authority set forth in item (e) for retrieval and delivery of library materials will not infringe on basic library services, but will allow the Library to, for example, continue to make its film collections available for loan by permitting recovery and retention of costs of making a loan copy of the film from a master copy.

The intent of section 102 is to authorize a revolving fund mechanism for current fee-based activities of the Library which now operate under the Economy Act, or the Library's extant gift fund authority, plus the following activities not currently being done or for which fees are not currently charged: (1) charging fees for attending films and other performances; (2) charging fees for borrowing films; and (3) charging fees for services relating to a national audio-visual conservation center (preservation, copying, transporting and storage of films and other audio-visual materials).

Section 103. Establishment of the Library of Congress revolving fund

Section 103 establishes the Library of Congress Revolving Fund in the U.S. Treasury as a ''no year'' fund to carry out Fund service activities; this means that money remains available in the Fund until expended. This section also sets forth the sources of the Fund capital, and specifies amounts received for Fund activities that are to be credited to the Fund.

This section also establishes various operational controls and limitations on the fund, including: (1) specification of the capital and credits to be deposited into the fund; (2) limiting obligations under the fund to limits set under the legislative branch appropriations act for any fiscal year; (3) requiring annual audits of fund financial statements, to be submitted to Congress; and (4) requiring separate fund service unit activity accounts.

The intent of sub. (b)(2), authorizing funds from other Library appropriations accounts to be temporarily transferred to the Fund, is primarily for the purpose of initially capitalizing activities previously conducted under section 1535 of Title 31, U.S. Code [the Economy Act]. This subsection requires the fund to reimburse such a ''loan'' within the period for which the appropriation is available. Subsection (b) also specifies other amounts to be deposited into the fund.

Subsection (c) specifies amounts to be added to the fund as credits to the service unit accounts.

The intent of sub. (d) is to ensure that, once the Librarian determines the appropriate grouping of activities into fund service units, the reimbursable portion of each service unit will be self-sufficient, operated under a separate account within the revolving fund.

Subsection (e) is standard language applying to self-supporting programs, requiring the agency to designate excess amounts in the fund as miscellaneous receipts and deposit such funds in the Treasury.

Subsection (f) requires that a financial statement be prepared annually, that the statement be audited, and that the audit be submitted to Congress on an annual basis.

Section 104. Operation of revolving fund activities

Section 104 establishes parameters for the operation of the Revolving Fund activities Subsection (a) authorizes the Librarian to set fees to recover the costs of activities authorized by sec. 102, and authorizes the Library to sell products and services resulting from those activities. This section limits the purchase prices to levels necessary to recover the direct and indirect costs for each fund service unit, over a reasonable period of time.

Subsection (b) provides express authority to require participants (including federal participants) to provide advance payments, where necessary to ensure that the fund is sufficiently capitalized, and under other circumstances upon agreement with participants.

Subsection (c) permits fund activities to engage in multi-year contracts. This language parallels identical authority currently afforded executive branch agencies and the General Accounting Office under the Federal Property and Administrative Services Act [41 U.S.C. 253*l* and 254c].

Section 105. Repeal

Section 105 repeals the current authorization for the Cooperative Acquisitions Program revolving fund; that fund, and the corresponding activities associated with it, are incorporated into the new Library of Congress Revolving Fund created under Title I of this bill.

Section 106. No effect on personnel

This section specifies that nothing in Title I of this Act is intended to affect the terms and conditions of employment of any employee of the Library of Congress who carries out any Revolving Fund activity. The purpose of this section is to avoid any unintended consequences of restructuring current

activities to operate under a new revolving fund.

TITLE II—CATALOGING PRODUCTS AND SERVICES

In 1902, the Library of Congress was first authorized by Congress to serve the Nation's libraries by producing and distributing catalog cards. These cards establish and describe the author, title, and physical characteristics of a book and contain subject headings and a classification number to enable researchers to locate books by author, title, or topic.

Over the years, the Library of Congress has expanded its catalog card service by producing and distributing additional bibliographic and technical products and services. In addition to the print format, the Library has utilized other formats to make cataloging data available, e.g., magnetic tapes and CD–ROMs, and has recovered the distributing costs for providing these products.

As a result of this centralized cataloging activity, the Nation's academic and public libraries save significantly on costs they would incur if they had to create their own cataloging records.

Title II modernizes the authority given in the 1902 law under which the Library provides these bibliographic information services and products; and makes funds available until expended.

Section 201. Availability of cataloging products and services

In addition to authorizing the Librarian of Congress to sell cataloging products and services, this section limits the prices charged for such products and services to recovery of the distribution costs associated with furnishing such products and services, rather than the current ''cost plus 10 percent.'' This section also provides that all moneys received through the distribution of such products and services shall be deposited in the Treasury and credited to the Library of Congress salaries and expenses appropriation, to remain available until expended. This mechanism will provide a more stable financial base for cataloging distribution operations.

For the purposes of this title, ''cataloging products and services'' is defined to mean those bibliographic products and services, in any format now known or later developed, that are used by libraries and library organizations, including other Library-created databases, and related technical publications.

The language ''over a reasonable period of time'' is included to make the provision consistent with the revolving fund language under s. 101. This language will assist the Cataloging Distribution Service in bridging fiscal years if some distribution costs are incurred over more than one fiscal year, and recognizes that the sale price of cataloging products must be established on a business-like basis, i.e. based on overall distribution costs, measured by the estimated sales volume of cataloging products over the estimated duration of sale of any given item.

Section 202. Repeal

This section repeals the obsolete 1902 law authorizing the production and sale of cataloging cards and records, in light of the new authority established under sec. 201.

TITLE III—TRUST FUND BOARD AMENDMENTS

Title III of the bill, amending the Library of Congress Trust Fund Board Act, will ensure the Board's continuity across members' terms as well as the Congressional calendar. The Library of Congress Trust Fund Board was created by Congress in 1925 and charged with the acceptance, deposit, and administration of funds given or bequeathed to the Board for the benefit of the Library. In 1992, the Board was expanded from 5 to 13 members. Three are ex-officio (The Librarian of Congress, the Secretary of the Treasury; and the Chairman of the Joint Committee on the Library); the remaining members, who serve five-year terms, consist of two appointed by the President, and four each appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate (both in consultation with the respective minority leaders).

Section 301. Addition of congressional board member

Section 301 increases the size of the Board by the addition of a new member—the Vice-Chairman of the Joint Committee on the Library. The Committee's Chairman has been an ex-officio member of the Trust Fund Board since the Board's creation in 1925. Because the Chairmanship and Vice-Chairmanship of the Joint Committee on the Library alternate each Congress between the Senate and the House of Representatives, this provision is intended to enhance the continuity of the Library's Congressional overseers in the activities of the Trust Fund Board.

Section 302. Temporary extension of board member term

The bill authorizes the Board Chairman to extend temporarily the term of an appointive board member whose period of appointment has expired. Such an extension could not exceed two years, and would expire immediately upon the appointment of a successor. The Library is requesting this provision on behalf of the Trust Fund Board, which approved the request by resolution on September 24, 1998.

Vacancies on the Trust Fund Board have occurred due to the expiration of the members' terms, resignations, deaths and for other reasons. Due to the press of Executive and Congressional business, these vacancies often cannot be filled to ensure that the Board consists of a sufficient number of members necessary to conduct business and carry out its fiduciary responsibilities. In recent cases, this has meant, for example, that funds given to the Board to benefit the Library have not been able to be accepted and invested in a timely manner, at the expense of valuable investment income to the Library.

Section 303. Trust fund board quorum

Section 303 amends the Trust Fund Board Act to specify that seven members of the 14-member Board constitute a quorum; current law requires nine of 13 members to conduct business. The Library is also requesting this provision on behalf of the Trust Fund Board, which approved the request by resolution on September 24, 1998.

CONGRATULATIONS TO MICHIGAN STATE UNIVERSITY SPARTANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise today here in Washington, D.C. to display the championship, the national championship T-shirt, of the MSU Spartans.

Today, in my hometown of Lansing, there has been a wonderful parade going from the State capital out to Michigan State University where thousands of people have joined together to recognize the team that we are so proud of, young men not only who have excelled on the court but off the court as well.

I want to congratulate the Michigan State Spartan basketball team on their national championship victory in Monday night's NCAA title game. Led by senior point guard Mateen Cleaves, who showed the heart of a champion by returning from an early second half ankle injury, the Spartans capped a 32–7 season by beating Florida 89–76. All MSU alumni watched with pride, including me, as the Spartans claimed their rightful place as the national champions.

Founded in 1855, Michigan State University has a rich history of providing educational opportunities to undergrads of diverse interests, abilities, and backgrounds. The Spartans now add another national basketball title to their world class academic reputation. The pride of East Lansing is now the pride of the entire State of Michigan and the entire country.

It is with great joy, Mr. Speaker, as a graduate of MSU, that I take to the floor today to say, Way to go, Spartans. Congratulations to the players, the coaches, the staff, and the parents of this national championship team.

□ 1745

World class academics are now joined by a second national basketball title to underscore the MSU is one of the country's finest academic and athletic institutions. Let me just speak for a moment about the year.

This win is especially sweet given the loss to Duke in last year's Final Four. In many ways, Monday night's game was representative of the entire season. There were great expectations in Lansing last November, as a senior-led experienced team prepared for the upcoming campaign.

However, this great promise was followed by adversity, as Mateen would miss the first 13 games recovering from a stress fracture in his right foot.

Instead of reeling from his absence, the Spartans did what they do, they learned how to win without Mateen going 9 to 4 during that stretch and allowing the sensational Mo Pete as we like to call him, Morris Peterson to further develop his all around game while receiving steady efforts from senior forward A.J. Granger, junior guard Charlie Bell and center Andre Hutson. Led by the great coaching of Tom Izzo, who is a native of the Upper Peninsula of Michigan, and he has been coaching on the staff at MSU for 17 years, the Spartans overcame this obstacle with talent and determined effort and entered the grueling Big 10 conference play with even more confidence in their abilities.

They completed conference play as co-champions and won the Big 10 conference tournament in Chicago, earning the number one seed in the Midwest Region.

The lessons learned early on would pay off down the road, for after easily dispatching Valparaiso in the first round, Michigan State played three tough games in a row, starting with a

comeback win from a half-time deficit against Utah to reach the Sweet 16.

Next, before a friendly ground in Auburn Hills, Michigan, the Spartans staged one of the most dramatic one half turnarounds in recent tournament memory, erasing a 14-point second-half deficit in handing the Syracuse Orangemen a 75 to 58 loss. Then they capped it, their run to the Final Four, by again rallying late against Iowa State defeating the Cyclones 75–64.

The Final Four presented its old and new obstacles. To get to the finals, they had to beat Wisconsin. They persevered against the defensive-oriented style of the Badgers before facing the young, fast and deep Florida Gators in the final.

Mateen led the way in the first half of the final game, helping the Spartans to routinely shed the daunting Florida full-court press while scoring 13 points. However, when he went down with an ankle injury, his teammates responded again. The six-foot nine reserve forward, Mike Chappell, knocked down a key three-pointer and freshman Al Anagoyne was a forceful inside presence.

Jason Richardson scored 9 points in 16 minutes, while Adam Ballinger added key minutes. David Thomas and Matt Ishiba also saw action and, importantly, with Steve Cherry and Brandon Smith, rounded out a roster that worked hard all year and pushed the starters hard in practice. All in all, the bench scored 16 points and grabbed 7 rebounds, an effort Coach Izzo termed awesome.

Mr. Speaker, this is what college sports is supposed to be about, student athletes that we are proud of on the field, as well as off the field. I see my colleagues here today from Flint. We have what we like to call the Flintstones, awesome young men who worked as a team whose dreams growing up were to win a national championship after playing together on the basketball courts and the recreation centers in Flint. They took it all the way. And we are very, very proud of them. Go Spartans.

PAYING TRIBUTE TO THE UNIVERSITY OF WISCONSIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I, too, want to congratulate the terrific representative from Michigan (Ms. STABENOW) and her Michigan State University team for their wonderful win in the NCAA double championship, along with my other friend from Michigan (Mr. KILDEE) who actually had three of the players who were born and raised in Flint, Michigan, a city in his district.

They are worthy champions, but the gentlewoman is correct, they had to go through my Wisconsin Badgers in the Final Four in order to get there, and that is the reason why I am rising here tonight.

I want to rise to pay tribute to my home State University, the University of Wisconsin. The University of Wisconsin athletic program has had an extraordinary run of success over the past years. A level of success that has made all of Wisconsin residents very proud.

On January 1, the Wisconsin football team defeated Stanford University to become the first Big 10 school to win back to back Rose Bowl games.

Shortly after that victory, Wisconsin running back Ron Dayne, who earlier in the season became the NCAA all-time career rushing yardage leader was awarded the Heisman trophy, the highest award for a college football player.

The success of our football team was followed by the Badger men's hockey team which won the Western Collegiate Hockey Association League title this year and was ranked as the number one hockey team in the Nation throughout most of the season. Unfortunately, the hockey team fell one game short of reaching the NCAA hockey Frozen Four, nevertheless, our hockey team continued its tradition of being one of the elite hockey programs in the entire country.

More recently, the Wisconsin men and women's basketball programs reached unprecedented heights. Last week the women's basketball team was crowned women's national invitational tournament champions, a team that included a player which is the pride of my hometown of LaCross, Kelly Paulus.

On Saturday, the men's basketball team capped their Cinderella run through the NCAA tournament with an appearance in the Final Four eventually losing to the NCAA champs, Michigan State University.

The men's Final Four appearance was the first by a Wisconsin team since 1941, a 59-year drought; and we are hoping that will not be repeated soon.

The success of the Wisconsin athletic programs reflects the values that all Wisconsin residents hold dear. The Wisconsin teams are not flashy, and they are not loaded up with superstar recruits from across the country. Instead, Wisconsin teams are successful because they work hard, played as a team and believed in themselves. The Wisconsin players are almost all born and raised in Wisconsin.

They were not the most heavily recruited players. They chose instead to attend their home State school because they wanted a quality education along with the experience of playing with the Badgers.

By sticking to the Wisconsin values, hard work, team work and a dedication to getting an education, the young men and women who played for the University of Wisconsin were winners before they ever put on a Badger uniform. This year, however, they took their winning ways to the national stage and showed the Nation that Wisconsin can succeed at more than just making good cheese.

I want to congratulate football coach Barry Alverez, hockey coach, Jeff Sauer; women's basketball coach, Jane Albright; and the men's basketball coach, Dick Bennett. They are all outstanding role models for their athletes and for all of Wisconsin students.

I want to congratulate the Wisconsin marching band and the cheerleaders and the Wisconsin fans, the Badger pride followed our team from Pasadena to Indianapolis and they helped spread the word about the great people of Wisconsin.

Finally, Mr. Speaker, I rise to pay special tribute to the men and women athletes at the University of Wisconsin. The success that they achieved on the court and the class with which they conducted themselves off the court, has made the great State of Wisconsin very proud. They are what is good with collegiate athletics today, and they are wonderful role models for the children who cheer for them and who try to emulate them.

SHOOTING IN MOUNT MORRIS TOWNSHIP, MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BARCIA) is recognized for 5 minutes.

Mr. BARCIA. Mr. Speaker, I rise today to talk about the tragic shooting that occurred in Mount Morris Township, which is located in my congressional district. When I first heard about the shooting of Kayla Rolland, like most of the Nation, I was shocked, dismayed, and concerned about how such a tragedy could occur.

Unfortunately, some people rushed to judgment and called for more gun control laws, more swift punishment of the child. However, I thought it best and prudent that we look at all the facts before commenting or jumping to conclusions on this very terrible tragedy.

For me, the real problem is that we had a neglected little boy growing up in a dysfunctional and dangerous environment. The real solution is not more gun control.

When the boy was 2 years old his father, Dedric Owens was arrested and for the next 4 years he moved in and out of various detention facilities for various crimes. So the man who should have been a role model, who should have taught him responsibility, who should have taught him right from wrong, was serving time for attempted home invasion, cocaine possession, cocaine possession with intent to distribute, and fleeing and eluding police.

While the father was serving these sentences, the boy's mother was neglecting her parental responsibilities. Children need positive role models to build strong, moral character. With his father in jail and his mother missing in action, this 6-year-old boy did not have a positive role model, and he did not have a chance.

Since the boy's mother was evicted from her home, she dropped her son off

at an uncle's house. At this house the boy did not have a bed. He slept on the couch. He did not have toys, but he did find a role model. In fact, he found two role models, the uncle and the uncle's partner in crime, both of whom had outstanding warrants and both of whom were suspected drug dealers.

The house they lived in was a suspected crack house with more than 40 sales per day conducted at all hours of day and the night. Neighbors claimed they heard gunshots at night; and police were building a case against the owners, but had not yet made any arrests. So we had a little boy living in a crack house with no bed, no father, no mother and two drug dealers as his role models.

At school, the boy was displaying the effects of his confused and tormented childhood. He was suspended for fighting, and in one instance even stabbed another child in the neck with a pencil. The school identified him as potentially violent and scheduled him to see a psychologist, but the appointment was scheduled for one week too late. Even though everyone knew this child was in trouble, no one bothered to go to his house, no one bothered to help him.

That is the true failure here. It is not guns or not enough restrictions on second amendment rights. The true failure was this little boy falling through the cracks of a system that let him down. His role model stole guns or maybe traded drugs for stolen guns, no one is quite sure. But we are quite sure that the boy was taught that violence, not words, was the way to solve problems. One neighbor remembers the uncle threatening to shoot up his house while holding the little boy in his lap.

Sadly, many of the remedies that people have pointed to would have done nothing to change the outcome of this tragic event.

This little boy with one parent in jail and the other reported drug user was living with two drug dealers who threatened their neighbors and traded in stolen guns, and in the meantime he was watching the violence that is so rampant on today's television. All of this was going on while he was in his most impressionable formative years. He had yet to learn right from wrong, and no one cared to teach him. The result was almost predictable. So anyone who claims that a trigger lock, a storage law, or any law at all would have prevented this tragedy is simply wrong.

What would have prevented this tragedy? That is a good question. The only thing that would have prevented this tragic event is if this innocent child had two loving parents. Only when violent repeat offenders are incarcerated and away from our children will this type of crime be prevented. The need here is not for unenforceable mandates, the need is for real solutions to violence. Let us work together to find ways to strengthen families and help parents teach their children right from wrong.

Mr. Speaker, I call on all of my colleagues to focus on the real solutions that will help restore and protect our families and our communities.

NATIONAL CHAMPION MICHIGAN STATE SPARTANS MEN'S BASKETBALL TEAM

Mr. BARCIA. Mr. Speaker, I rise today to join my colleagues from Michigan to pay tribute to the National Champion Michigan State Spartans Men's Basketball team.

On Monday night, this group of fine young men provided us with a display of sportsmanship, dedication, and perseverance that all of us must admire. This group, affectionately known as the ''Flintstones'' because of several players who hail from the Flint area, overcame many adversities, such as halftime deficits and injuries throughout the tournament on their way to the championship.

The heart and soul of the Michigan State team is their senior leadership. At a time when many college athletes make a quick jump to the professional ranks, it is refreshing to see this talented group of young men stay in school, get their education, and use their God-given talent and their experience to lead the Spartans to the National Championship.

Often times people place too much emphasis on athletics, especially college athletics. But this Michigan State team has taught us an important lesson. We have learned that through hard-work, dedication and loyalty you can achieve your dreams. Young people often look to sports figures to role model and the young men of the Michigan State basketball team are truly worthy of that admiration.

I would like to salute Head Coach Tom Izzo, Seniors Mateen Cleaves, Maurice Peterson, and A.J. Granger, Saginaw native Jason Richardson, and the entire Spartan team for an outstanding season. You have made us proud, not just as Spartan fans, but as Michiganders. Congratulations.

PERMANENT NORMAL TRADING RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I want to speak this evening in support of Permanent Normal Trading Relations with China. I want to commend the Speaker of the House for setting a date when we will have the vote before Memorial Day.

I want to commend the President for the extraordinary effort that he is putting into this. I want to commend Ambassador Barshefsky; Secretary of Agriculture, Dan Glickman; and Secretary of Commerce, Bill Daley for their strong effort to help us pass Permanent Normal Trading Relations with China.

□ 1800

We must approve permanent normal trading relations with China in May, or our economy will suffer for years to come. It will be a terrible mistake for this country not to approve this agreement. There are 1.3 billion people in China, 20 percent of the world's population, one of the fastest growing economies in the world. This is a good deal for America. It cuts overall tariffs from 24 to 9 percent by 2005, cuts overall agriculture tariffs from 31 to 17 percent, it gives us five times more market access for cotton, 20 times more market access for rice, an unbelievable potential for poultry, beef, pork, soybeans, wheat and nearly every other ag product, and a huge potential for technology, banking, telecommunications, insurance. We give up nothing in this agreement, Mr. Speaker. This agreement grants us access to their market. It does not give them any additional access to our markets.

China has had access to our markets for the last 20 years. The Chinese want a seat at the international trade negotiating table. They must give access to get that. If this agreement does not happen, we will lose out and the rest of the world will gain. Literally the rest of the world will laugh all the way to the bank. China is going to enter the World Trade Organization whether we pass this agreement or not. Our choice is whether we want to have the same access to a market of 1.3 billion people as the rest of the world. The only choice for us to make is to approve permanent normal trading relations with China.

CONGRATULATING NCAA CHAMPION MICHIGAN STATE SPARTANS

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Spartans of Michigan State University, which my son Paul attended, on winning the National Collegiate Athletic Association basketball championship. The Spartans defeated the Florida Gators 89–76 in the championship game to capture the NCAA championship. It was certainly an exciting game that showcased some of the best talent the NCAA has to offer.

The Spartans are a great example of what hard work, determination, and a passionate desire to win can accomplish. The Spartans were led by seniors Morris Peterson and Mateen Cleaves and junior Charlie Bell, the Flintstones as they are commonly known in Michigan. All three grew up in my hometown of Flint, Michigan. They have brought a sense of spirit and optimism to our community and our State. I could not be prouder of these young men. They played basketball together and against each other at Berston Field House, a recreational center in the heart of downtown Flint. Over the years, Berston Field House has provided young men and women with not only a great place to play sports but also a safe alternative to the streets.

Peterson, Cleaves, and Bell have all been guided by strong family values

and principles. All are graduates of the Flint public schools, where academics are stressed before athletics. They all possess a deep sense of spirituality that is clearly rooted in faith and family. And they never miss a chance to praise and celebrate those roots. Their accomplishments shine bright in the eyes of the people of Flint.

Morris Peterson was named Big 10 player of the year and joined Mateen Cleaves as one of the 10 players selected to the John Wooden All-American team. Charlie Bell earned a spot on the third team All-Big-10 Conference. All three, along with A.J. Granger, made the All-NCAA tournament team.

The Spartans finished their storybook season with a record of 32–7, becoming Big 10 regular season cochampions, Big 10 tournament champions, and NCAA champions. Today, Mr. Speaker, I salute Michigan State's accomplishments and share the joy of their victory with MSU students and alumni and especially the people of Flint.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

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

NATIONAL SLEEP AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I, too, would extend my congratulations to all of the athletes that we have heard talked about. In my own congressional district, the Westinghouse High School boys team went to the finals, lost by three points. Unfortunately, they did not win; but they came close, and, of course, the Marshall High School girls were city champs. They did not win the championship this year, but they have won it so many times until they know that they will be back next year.

Mr. Speaker, last week was National Sleep Awareness Week. I rise today to pay tribute to the work that the National Sleep Foundation and other health professionals are doing in this arena. I think it is important that we recognize the efforts of medical researchers who have devoted their professional careers to studying the impact of fatigue and sleep disorders on our Nation's health, safety, and productivity. We should also take time to reevaluate our own personal health habits and determine how we can improve our own health in order to be stronger and more effective citizens.

While physicians and patients now pay attention to the adverse health impacts of poor nutrition and inadequate exercise, too few people pay attention to the harm that can result from inadequate or disordered sleep. Sleep scientists have linked such ailments as high blood pressure, hypertension, depression, and cardiovascular disease to inadequate sleep. The National Institutes of Health estimate that 40 million Americans suffer from chronic sleep disorders, the vast majority of which remain undiagnosed and untreated; and another 20 to 30 million suffer intermittent sleep-related problems.

The survey conducted by the National Sleep Foundation found that 58 million Americans report suffering excessive daytime sleepiness at levels that interfere with their day-to-day activities. Evidence tells us that America's sleep debt is on the rise. Yet numerous studies have concluded that the general public and primary care physicians lack the basic sleep knowledge to address these problems. As a result, the toll on human health, safety and productivity is enormous.

This problem is more than simply getting a good night's rest. It encompasses medical problems, lack of education, and the tools required to address this public health concern. Sleepiness, whether the result of untreated sleep disorders, volitional sleep deprivation, or shift work has also been identified as casual factors in a growing number of on-the-job injuries. This corresponds directly in lost productivity, personal injuries, medical expense, property and environmental damage due to sleep disorders and sleep deprivation.

The cost of this problem is estimated by the National Sleep Foundation to exceed $100 billion each year. It is the personal injuries that are the most tragic part of this equation. However, we hear numerous reports on television and in the news about drivers who fall asleep at the wheel and kill themselves, a family member, or an innocent bystander.

As I alluded to earlier in my statement, there are ongoing research efforts into the impact of sleep deprivation. I am privileged that the Northwestern University Medical School in my district; and one of my constituents, Dr. Phyllis Zee of Oak Park, Illinois, has spent over a decade creating innovative approaches to improved sleep and daytime performance in older adults and by conducting research on the genetic basis for human sleep disorders.

As with any type of important health research, there is also need to provide information to the members of the community at greatest risk. Many minorities, for example, do not receive education on proper sleep habits or recognition of symptoms that could indicate a chronic disorder. Through the work of the National Sleep Foundation, however, outreach to high-risk groups is beginning to change. It is important that we in Congress support these efforts and support strong public education and prevention programs to address this public health issue and this public health crisis.

Mr. Speaker, I would hope that all Americans would look seriously at something as simple as getting enough rest, getting enough sleep and the impact that it can have on enhancing rather than diminishing the quality of life for all of us.

STRENGTHENING THE RURAL ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the United States has enjoyed the longest sustained period of economic growth in the history of the Nation. We have gone from record deficits to record surpluses. 20 million new jobs have been created in the last 8 years. We have the highest homeownership rate ever, the lowest unemployment in 30 years, and the lowest poverty rate in 20 years. Under current plans, we expect to eliminate the Federal debt; and we are looking forward to a surplus of more than $3 trillion over the next 10 years. Farmlands are being transformed into subdivisions overnight.

Ordinarily that would be good, indicating progress. But the transformation of farmland into subdivisions is but further evidence that small ranchers and farmers are a dying breed. At the turn of the last century, close to half of the population in America lived and worked on ranches and farms. With the recent turn of the century, that number has been reduced to only about 1½ percent of the population. In 1900, thousands and thousands of small farms and ranches dotted the countryside, growing tobacco, cotton, wheat, soybeans and other products, raising pigs, poultry, horses and cattle. Today, by contrast, four companies are responsible for 80 percent of the beef market.

Despite the rosy economic picture for some, many in rural America are suffering. Despite the economic boom, many in rural America have not shared in the bounty. In rural America, low-tech factories have been driven out of business by lower paying foreign competitors. Small tobacco growers and other farmers face extinction. The digital divide has left us with two Americas. According to a recent article in the New York Times, large chunks of rural America are being depopulated. Small ranchers and farmers are being impoverished, forcing them to sell out.

The Department of Agriculture reports that wheat is at the lowest price since 1986, cotton at its lowest since

1974, and soybeans at its lowest since 1972. The Times article notes that in one of the poorest rural counties, the average income is less than $4,000, while in Manhattan, New York, the average income is close to $70,000. In rural North Carolina, where I come from, last year alone in the State we lost 32,000 manufacturing jobs because of plant closings and layoffs, 43 percent more than we lost in 1998. An old plant closed and a new plant opened in Ashe County. Only 200 of the 300 workers were retained. The new plant laid off workers because computers now do the jobs that they did.

Yes, Mr. Speaker, in many parts of America, the help-wanted ads are full, unemployment rates are low, incomes are high, wealth is being accumulated. Not so in rural America. A $15 million satellite site opened recently in North Carolina to support the needs of a $350 million plant. Because of computers, only three workers were hired to operate this satellite plant.

What can we do, Mr. Speaker? We can emphasize education, preparing our students, and training our workers to compete in an increasingly high-tech and global economy. We can provide incentives to business to locate in rural America. We can improve our infrastructure, provide better water and sewer systems.

□ 1815

We can begin to close the digital divide and provide Internet access to even those in remote, rural areas, and we can improve our roads, helping to get rural goods and services to customers throughout the Nation and throughout the world.

Most importantly, we can and we must use organizations like our recently organized rural caucus as a place to discuss, a place to generate new ideas. We can strengthen the economy in rural America and allow for all of our citizens to share in our Nation's growth. We can close the income and wealth gap in that it is growing between urban and rural America. We can strengthen our economy, Mr. Speaker, in rural America, and we must.

EDUCATION IS TOP PRIORITY FOR AMERICANS

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, we are here today to talk about the tremendous progress that we have made in education over the past 7 years. Even better, over the past 5 years, we have seen some measurable results. Fourth grade reading scores in high-poverty schools are up. Eighth grade math scores are up. The gender gap in math and science scores are shrinking. The number of advanced placement tests, the AP tests with scores meeting college requirements increased overall, and more importantly, also for minorities and women. More high school students are taking tougher classes and are including the AP classes which are the advanced placement classes. More women and Hispanics and minorities are going to college than ever before. These are all just over the last 5 years.

Mr. Speaker, this is all good news, and the progress we have made has been largely due to the Clinton administration and the efforts they have made throughout the country with good, sound solutions for our Nation's children. Knowing that 90 percent of our school-age population attend public schools, many of us here have worked hard with the administration to ensure that States and school districts are working together to reform their systems where they are. Along with the reforms is the need to hold our students accountable and make sure that they are held to higher standards. Raising standards, which we have been doing and talking about for much of the past decade, means that all children are reading well by the end of the third grade, and making sure that our eighth graders are on the college track and are taking algebra and geometry.

This is really a reform that has been working, and it is something that we as Democrats feel very strongly about and need to continue to make that commitment.

At the heart of the Clinton administration and the Democrats' reform is the focus on literacy. In 1996, we worked with the administration to implement the America Reads program, which mobilized communities to work together to fight illiteracy. This has been effective, especially with our community colleges working with our local school districts. In addition to the America Reads program, we have made sure that landmark legislation to support local and State efforts to improve literacy through professional development, as well as family literacy programs and tutoring. Let me add that we have found also some startling results, that when we work with parents on literacy, we also find that those youngsters of those parents have a direct impact in making sure that they also stay in school, and a lot of them choose not to drop out.

Reading scores in San Antonio have improved over the last 5 years and it is due to these investments that we have made, both in the Federal and some of the local level areas.

Clearly, ensuring that our children are literate and that reading is a priority is not a new agenda item. The presidential candidates would like to think that it is new. Reading is not a new agenda and claiming credit for educational reform is unfounded.

During a press conference on March 28, Governor George Bush claimed progress for reading scores in Texas. I would like to read an excerpt from the Department of Education press release in response to this claim. That particular claim indicated that educational reform in the State of Texas has happened largely as a solid foundation that was set back in the 1980s by Governor White, and also a particular commission that he had developed by Ross Perot. He was revolutionary at the time and implemented reform measures much like what we are advocating today, in which we are advocating smaller class sizes, which makes sense; a significant increase in funding for education; a focus on qualified teachers and making sure that we do have those qualified teachers.

Mr. Speaker, these are the measurements we have been implementing in the last 20 years, items that 20 years ago that we have been contributing to making progress as we move forward.

I would like to bring to the attention of my colleagues a cartoon that was in the Washington Post of April 1, 2000, and the young man, as we have here, and the older man who says, here is my plan to boost child literacy, by spending another $5 billion, and then the response is, how can you afford this and your tax cut? The response: Hey, this is my reading plan. Math comes later.

We are going to hear a great deal of these kinds of talks. The bottom line is we need to do the math now. The reality is, and we know that for the last 2 years we have had a surplus. Our last surplus was about $170 billion, and it has estimated, and this is an estimation only, that for the next decade, we probably will have approximately $170 billion to $200 billion for the next 10 years.

The bottom line is that if we have a $2 trillion tax cut after we figure that out, and we can do the math as this young man here did the math, the result is that what revenues are we going to have for Social Security? What revenues are we going to have for Medicare? What revenues are we going to have for education? The answer has to be none if we go with this tax cut.

Mr. Speaker, I want to take this opportunity to talk about the fact that the Republican opposition has basically proposed two major propositions, and that is, one, vouchers, and the other, block grants. We recognize that in order to respond to these we have a variety of issues that we need to deal with, and the solutions are varied.

I want to take this opportunity, because I know we have with us some Members that have joined with me this evening, and I want to acknowledge the fact that we have the gentlewoman from California (Mrs. NAPOLITANO), and since she is here with me, I want to ask her, since she has done some great, tremendous work, and I want to ask her to comment. I thank the gentlewoman from California for joining me this evening, and I yield to her at this time.

Mrs. NAPOLITANO. Mr. Speaker, it is really important for us to acknowledge that this administration and the congressional Democrats have been at the forefront on educational reform

and improving our public schools and helping to ensure that our students have the basic skills to succeed in this upcoming global economy of ours.

Some of the points that I needed to make sure that I brought out and hit upon is that we have been trying for a very lengthy time to keep Hispanic children in schools. We have made that a priority, to help Hispanic students stay in school. The Hispanic education action plan targeted more than $30 million to help transform schools with high dropout rates, especially districts that have populations that are largely migrant workers. I say to my colleagues, you do not understand, or if you lived in my area you would have a good feel of how important this particular issue is.

I have some schools that may have as high as a 70 percent dropout rate from high school of Hispanic children, and that does not make for a good economy anywhere in the United States.

Now, if we are able to help keep these young people in school and be able to provide any assistance, whether it is tutoring or any of the kind of family assistance that these children may need to be able to succeed, then we are helping, we are helping communities be more viable and helping our economy, because these young people will eventually become leaders in our areas.

We also have to help students finish college. We proposed a new college completion challenge grant to help reduce the college dropout rate with prefreshman summer programs, support services and increased grant aid to students. This is a $35 million initiative to improve the chances of success for nearly 18,000 students. That may be a beginning, hopefully, because I know that more than 18,000 students not only are needy of being able to receive the assistance, but also are deserving of being able to get assistance from us. We need to turn around our failing schools.

There are 11 million low-income students now benefiting from Title I aid to the disadvantaged students, and all our children are benefiting from this higher expectation and the challenging curriculum that accompanies it, which is geared to higher standards. Our 2000 budget provides an additional $134 million, account bit fund, to help turn around the worst performing schools and hold them accountable for results.

Now, 30 percent of children served by Title I are Hispanic. That tells us that we are failing our young people. We are not providing them with the tools to be successful, and consequently, I think that this Congress has done a great service to be able to target and begin focusing on those issues.

I can tell my colleagues just quickly that the more we provide high-quality teachers, and the more we provide smaller class size, the better our students are going to be. I can point to a group of middle school students that are going to be coming to New York to perform at Carnegie hall. These are middle school students out of one of my schools, one of my district schools, that have not only performed in the Rose Parade in Pasadena, but are also performing a full orchestratic ensemble in New York City. It is because they had a teacher who was of high quality, who cared about these young people and taught them that they can achieve anything they set their mind to. I am very proud of them, and I certainly want to share that with everybody so that others may learn that our youngsters, ages seven, eight, and nine, can also reach those heights.

We have increased the funding for Pell grants. We have increased educational funding for migrant families. There are many of these important things for the State that I represent that are becoming viable for our people, and I certainly want to congratulate my democratic colleagues and those that helped us put these measures through.

Again, education is the key for our young people to succeed, and I am glad to be here to be part of the thrust to achieve that for them.

I thank the gentleman for yielding to me.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman for those kind words. I know you stressed the importance of some of the solutions, and one of the things that the gentlewoman mentioned is also in terms of early childhood. I know how critical that is. I know Head Start has done some tremendous work, and that early start is critical. Reaching out to those 3 year olds and 4 year olds is real important. The quicker we get those youngsters into our educational system, the quicker they will to be able to compete and be able to get that head start that they need.

We also have with us another Californian who I have the opportunity of sharing a committee with, the Committee on Armed Services. I thank the gentlewoman from California (Ms. SANCHEZ) for joining me tonight in talking about education.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman for the time that he has yielded to me.

I really am grateful that the gentleman is talking tonight about the state of education and I think there are a lot of things, with the gentleman's background, that he could tell us about in Texas, the Texas experience. In particular, we are looking at a presidential election coming up, and the gentleman's governor, the governor of the gentleman's State, is on the Republican side. I know what the Republicans have not done with respect to education here in the House of Representatives.

□ 1830

So I am interested, because I have heard so many things about what is coming out of Texas. I think the gentleman is a great person to talk about that tonight.

There are certain things that we know. We know that the type of child that enters the school system, it is important that they are healthy. We know that it is important that they come to school and they are ready to learn; i.e., they are not thinking about being hungry; third, that when they come to kindergarten, they do best when they have already gone through a preschool program or a Head Start program.

I would be very interested to find out from the gentleman what his feelings are with respect to the readiness of children who go in Texas under the gentleman's Governor.

For example, I know that in California, one of the biggest things that we did in the last couple of years was to match the Federal funds in order to put in an insurance program for health for our children in California. Those were children of working parents.

That is beginning to make a difference, because now we have children who have access to health care, so they are healthy when they are starting out in the program.

Secondly, of course, we know a few years ago the Republicans in this House tried to eliminate the lunch program that we have in the schools. I just remember reading in the paper about Governor George Bush, and how he said that there were no hungry people in the State of Texas, when in fact his State is the number two State in the Nation with children who go to bed without food in their bellies.

So I am interested to find out what has been going on in Texas, if the gentleman can tell us.

Mr. RODRIGUEZ. Mr. Speaker, I would like to thank the gentlewoman for her question.

In Texas, we were the last State to go into the CHIPS programs, the insurance program for youngsters. These are individuals who are uninsured. I would remind Americans that in America we have both Medicare for our seniors, we have Medicaid for our indigent, but one of the things that we find is that we have a large number of people working, working Americans, who do not have access to insurance. Texas has the largest number of uninsured individuals.

The Clinton administration, one of the things that they have done, as the gentlewoman well knows, is that we have pushed on assuring that these youngsters were insured. Texas was the last State to move into this program. In addition to that, the funding they provided only extended to 60 percent of them, which means that only five to six out of the 10 that actually qualify will be able to get service, which is unfortunate.

The gentlewoman mentioned also in terms of not only health but also in terms of nutrition. Even those individuals that qualify for food stamps, we find that there is a study that out of 10 that qualify, less than four are actually receiving it because of the bureaucratic nature that is there. In fact,

some of those particular complaints came from the grocery industry in Texas, and people say that there are less people participating. It is because they made it very bureaucratic in nature.

I want to go back a little bit in terms of education. The gentlewoman also mentions the importance of early childhood education and how important it is to start. In Texas, we still only fund half-day kindergarten, so we still have a long way from that perspective.

We have made some strides, but it has been a combination of years, and a lot of credit has been given to Governor White in the 1980s, and also to the third-party candidate, Ross Perot, who was on the committee that basically helped to revolutionize a lot of the things that we have there. But we still have a long way to go in making sure that we provide sufficient resources.

For our teachers, we rank almost 47th in terms of expenditures, salaries for teachers, and in some of those categories. So we are really not pleased with where we are at. I think we have a long way to go. That is why I am real pleased about some of the propositions that we have.

One is construction. I know we have been proposing on the House floor the importance of making sure that we have money for construction. Most of our schools, if we look at the studies that have been done, came close to 60 years old. In Texas, some are even older. As the gentlewoman well knows, I live in a home that is 70 years old. That was prior to the microwave.

We recognize the importance of making sure we have good wiring for the new technology, and we need to make sure that we get that burst of resources that is needed.

Along with construction money, and everyone has said this, when I did hearings on school violence one of the things they said was that we need smaller classroom sizes, so there is an importance to add qualified teachers out there. The administration pushed to put 100,000 new teachers out there, and that is really important, as the gentlewoman well knows; and qualified teachers. So that is key.

Along with that comes the need to make sure that we have the classrooms. A lot of Americans out there, we need to recognize the fact that in the 1950s and 1960s we had a boom, the baby boomers. The generation then decided that we needed to come up to the plate and build new schools.

Now we have, as the gentlewoman well knows, we have what we call the baby echo, the kids of those baby boomers, our children. So it becomes real important that we also come up to the plate and build those schools that are needed, where the demographics show that we do have a lot of youngsters out there.

They are smart youngsters, individuals who are doing extremely well. They are a lot sharper than we ever were at that age. But at the same time, we need to make sure that they have the opportunity to learn and have the technology.

Ms. SANCHEZ. Mr. Speaker, I am glad that my colleague brought up two of the issues that are most important and dearest to my heart.

The gentleman started by talking about Head Start. As most people here in the Congress know, I got my start in 1965 in the first year that Head Start existed when I was a child in that program. So I am proud to be the Head Start child of Congress.

I get very worried because I see an administration, the Clinton-Gore administration, that has proposed $1 billion of more, more funding for Head Start, getting our kids prepared so that when they start at the starting line of the competition, at kindergarten, they are all equal when they get there, so they are not behind the starting line.

The President and the Vice President have proposed $1 billion worth of more Head Start. In my county, in Orange County, only about one-third of the children who actually qualify for Head Start are funded, so I am really looking forward to that.

Then I take a look at Governor Bush's proposal on funding for education, his Federal education proposal. I see that he has no funds for Head Start. I think, well, why is that? Then I look at his tax cut plan and I know why, because where he is cutting is essentially that program which I think made such an impact in my life and which has made an impact on so many children's lives.

And then of course the whole issue of school construction. As the gentleman knows, since I have been here, I have been carrying a bill on school construction, trying to get more schools built, because in California we did for 2 or 3 years now, as our colleague who used to be in the House in California, the gentlewoman from California (Ms. NAPOLITANO) noted, we did lower the amount of kids per teacher in California down to 20 to one in the first, second, and third grade level in California.

Everywhere I go, and I have visited probably 130 schools in my district alone, first grade teachers tell me that the biggest difference they have seen is the lower amount of kids. Kids in kindergarten and first grade are reading now at a third grade level in some of my schools, and they attribute it to being able to have a smaller amount of kids and be able to teach them one on one.

And then they add, you know, we need more schools, school classes. We need more places. We have parents who come and volunteer, but we do not have a class where they can come in and work on the projects for the school, for the children.

This whole issue of school construction becomes so important, not just from a technology and modernization standpoint but from a room perspective, a place to grow our children.

Mr. RODRIGUEZ. Mr. Speaker, I am glad the gentlewoman mentioned that, because I think we all recognize that the solutions to some of our problems are not one answer but a variety of responses.

I think some of the responses need to go even beyond the teacher. We have a tendency also to blame the school for everything. It was interesting to see that one of the schools that was cited in Florida by Jeff Bush, by the way, as not doing very good, in fact doing very poorly, was a school district that had a large percentage of mobility. They had a housing project where a lot of the teachers that had those youngsters, they only had them for a few weeks sometimes and they would move on. So that, in some cases, what we need is a combination of programs that help out the community.

I had mentioned earlier that programs that help adults become literate are some of the best programs that help younger kids, their kids, to stay in school, so that it is a combination.

One of the things that I wanted to share with the gentlewoman was that I got a report by some of the school social workers in Texas that they were having problems with youngsters staying in school, and part of the problems that they identified were child care; that in Texas we have a waiting list of individuals, because the State has chosen not to fully participate on child care for individuals who are in need. The importance of child care for families as well as those individuals that receive the care is great. Other factors that are around the community have a direct impact on our communities.

I know the gentlewoman mentioned the fact that if we want a $2 trillion tax cut, then that is what we are going to get, but we are not going to get anything for social security, we cannot get anything for Medicare, and we cannot get anything for education. In fact, it presupposes that the economy will continue to have those surpluses of $170 to $200 billion each year. So we need to be frugal. We need to be responsible in making sure that we meet those needs.

I know the gentlewoman from California (Ms. SANCHEZ) agrees with me in terms of also the importance of teacher quality and how key that is. Especially one of the things that I like to emphasize is the importance of bilingual education in our schools.

When I started school, I did not know any English. I started, and the statistics show that for someone who does not know any English, that it requires 5 to 7 years for them to be able to pick up a second language. In this case, my second language was English, since I knew Spanish.

So when I look in terms of my grades, and I spent 2 years back then, and it seemed like every Mexican-American, every Mexican spent 2 years in the first grade, and we had no bilingual education. So I really did not

know what was happening until almost the fifth grade. It took me almost 6 years to kind of catch on to what was going on; the importance of bilingual teachers that are well-trained, well educated. I was real pleased to see the administration move on dual language instruction.

Most people do not understand that dual language instruction means it is basically what we are doing now with some of our gifted youngsters, it is what we are doing now with some of the people that go to private schools, where we teach them not only one language, but two.

We find that that is the best time to learn a second language is prior to puberty, because people do not realize that the accent, if a person has an accent, usually it is a result of the fact that they learn the second language after puberty.

If we can begin to introduce in America the possibility, and I am real optimistic that we can do dual language instruction, and we can teach English-speaking youngsters, whether they are English-speaking only, another language, whether it be Spanish or German or other, French.

Ms. SANCHEZ. Or any of the other 92 languages I have in Orange County, where children come from a home that speaks something other than English.

I am glad the gentleman brought that up, because this whole idea of what we do about another language is very troubling for some people across the United States, especially those who have not been in a classroom recently and have not seen what is going on.

I guess a lot of us do not have the historical perspective of why bilingual education became such an important part to those communities that came with a different language to school in large numbers.

The California experience speaks for itself. Earlier in the history of California, before I got to school but not that much before, if you spoke Spanish and you got to the classroom, and you had 18 kids who spoke English and you had two who spoke Spanish, there was no accommodation for them.

Therefore, if you were not at that grade level, the first time maybe you were held back, but the second time you were probably diagnosed as mentally retarded. People were actually labeled that. Then they were put in a class of mentally retarded people. So that is the historical perspective of how we began, and we fought for having a second language like Spanish used in the classroom to get our students up to level and to get them transitioned over to English.

I think a lot of times the American public does not know historically what happened with that situation, but today there are so many people coming, so many students coming with different language backgrounds that this whole idea of immersion and learning the two is actually a great concept, and one that I have seen work over and over in the classroom.

I will just end by saying that I look at education, sitting on the Committee on Education and the Workforce, quite a bit back in my district in California, which as Members know, is a bellwether State for supposedly what will be the future of the United States.

□ 1845

I am always interested to see what happens between the States and where a person's perspective is coming from. When we do the testing, for example, in California of our students, we do those also that have a hardship with the language. Our tests tend to be lower because of that.

I have heard that, in Texas, while Governor Bush has been touting such great scores, that, in fact, it is because they eliminate a lot of these children and either classify them as special education and keep them out of the actual test scores that are reported.

I wanted to get a comment from the gentleman from Texas on that since he is, in particular, from an area, San Antonio, where I have heard that, in just a year, there used to be 35 percent of students in a particular school who were special ed students, and, in the next year, because of these tests, almost 62 percent of them were now special ed and were kept out of this whole series of how one tests the children. Can the gentleman from Texas comment to that?

Mr. RODRIGUEZ. Mr. Speaker, let me just comment a little bit. I think in some cases in Texas I think we might have gone overboard with the amount of testing. In fact, there was a survey that was done recently on, I think, third graders that took about 22 tests, different types of tests. There is a great deal of emphasis on tests to the point that a great number of our teachers are very concerned that most of the emphasis is basically teaching to the tests, which brings up the issue of the fact that we need to make sure that we prepare our youngsters to be able to think and be able to comprehend and be able to learn without having to teach to the test. Yes, there has been some criticism in some of the schools that that has been occurring and that some of that has been happening.

But, again, some of the progress that we have seen has been a result of, not just what happened in the last 4 years. It is like me, I came in 3 years ago. The first month I came in, they balanced the budget. It is kind of like saying I came in in 30 days and took care of the budget for you. My colleagues know that that is not correct.

I would say that that has been an effort that has been going on. Part of the credit belongs to Governor White in the 1980s. Part of the credit belongs to a lot of the people that have worked hard down there. We still have a long way to go. Part of the credit belongs to Ross Perot and the committee that he had in Texas and making some things happen.

Joining us also tonight is the gentlewoman from Florida (Ms. BROWN). I am going to ask her to say a few words. I know she is familiar with Jeb Bush there in Florida, and I know she wanted to make some comments as it deals with affirmative action policies that impact on education and various other comments.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I want to thank the gentleman from Texas for really holding this special order.

It is interesting that George Bush, like his brother Jeb Bush in the State of Florida, has promised to improve the educational gap between minorities and white students by trying to do away with affirmative action. I was not at all surprised to learn from my Texas colleagues that under the governorship of George W. Bush in 1996 and 1997, Texas ranked 38 in the Nation for financial aid given to needy students, and that Governor Bush did not include any additional Head Start funds in his 1999 Federal education proposal, despite the fact that it is currently serving only two in five eligible children.

Today I want to talk about the Bush brothers' attack on affirmative action and what has gone on in my State of Florida. In Florida, Governor Jeb Bush is attempting to ram an education plan through the State of Florida called ''One Florida.'' In reality, this plan should be called ''Florida School for the Elite.'' This plan does away with affirmative action in Florida's university admissions.

I am here today as a Member of Congress because of a tool called the Voting Rights Act. It took Florida 127 years to send an African American to Congress, and that was just 8 years ago. So we really still have problems in Florida.

Thurgood Marshall, who was the only Supreme Court Justice, in my opinion, African American, but he said a snake is a snake. It does not matter whether that snake is a black snake or a white snake. If he bites you, the result is the same.

Now, Governor Bush, Jeb, has tried to mislead the people of Florida by telling them that the Clinton administration and the Department of Education support his initiative. That is not true. The policy of the Clinton administration on affirmative action is mend it; do not end it. Mend it; do not end it.

Florida has never been a color-blind or gender-neutral State. In fact, race is a factor and is a factor that is very important. Recently upheld in the Supreme Court, a decision as recently as in 1995, is the Adarand decision.

The law of the land still affirms that affirmative action is lawful in the United States of America. It is in the Government's interest to address this limited minority participation in the social and economic structure of this country.

Now, I want my colleagues to know that my governor had a special session

on how we are going to kill people in Florida, how we are going to execute them in Florida, but would not have one on how are we going to save our kids.

Florida ranks 47th with the number of our graduates that attend higher education, ranks 47th. But yet we want to come up with a plan that would exclude another group from attending our universities.

The real sad thing about it is the courses, he talks about the top 20, half of the courses that they are talking about are not even offered in the public school system in Florida. Half of the courses are not even offered.

So when we were discussing this matter, they say, do not worry about it, do not worry about it. We will put these classes on the Internet. What a joke. Have they not heard of the digital divide? The computers are not in the community. They are not in the schools.

I have been a representative in Florida for over 18 years, and I know what happened as far as the funding of the educational system. The schools that I represent are the ones on the other side of the track, on the other side of the bridge, on the other side of the railroad track. They are the ones that have not been funded.

So we have this A Plus plan and the F plan, and we are going to give money to the A plus schools. Those are the schools that have been given the money all along. The D-F schools, as opposed to try to improve those schools, well, we are going to give them a voucher. So what we are trying to do in Florida is destroy public education. Give them a piece of paper that does not cover the costs.

In fact, 90 percent of the kids in Florida and in this country go to public schools. So rather than addressing the problem, what we are doing, we are coming up with gimmicks and slogans.

People need to understand that it is not who comes to your barbecue, it is how they stand on the issues that is important to you. This has really been a wake-up call in Florida.

Our late governor, Lawton Chiles, as recently as 1998, signed an agreement with the Federal Government to improve minority participation and female participation in higher education in Florida. Not only recruitment, but recruitment and retention because of the historical problems that we have experienced in Florida.

Let me give my colleagues another statistic in Florida. In school districts that are 40 percent black and 60 percent white, 95 percent of the special education students are black boys. Special ed is not a way to go to college. We need to work on that. As I said before, Florida ranks 47th with the number of our graduates that go on to college. We in Florida need to be working to try to improve that program.

I also said almost 50 percent of the African Americans in Florida go to schools that do not even offer the courses that they are requiring. They say, well, in the top 20 percent, what we will do is we will admit you to a school, a school; but we are not including the schools like the University of Florida, Florida State, or the University of Central Florida.

Do not sit here and tell me tonight that the only students that should be able to go to University of Florida are our fine basketball players and football players. No, we want kids in law school and medical school. We want to have others. There is a provision to exclude basketball and football.

But I have to be concerned today as I speak where we have one student graduating at the University of Texas and the University of California, one African American in law. They have the same number as the University of Mississippi.

We are not going to let that happen in Florida. I am committed that our State will remain one of inclusion, that we will consider all of our kids.

I can really thank the Bush boys, because this has really been a wake-up call for us in Florida. We have been kind of brain dead and not involved. But that is over. We are going to be involved in the education of our kids and the future of all of our kids.

Lyndon Johnson says it is not enough to open the gates of opportunity. All of our citizens must have the ability to walk through those gates. Let us remember what President Clinton remarked in his latest visit to Selma. He said, ''We have come a long way, but our journey is not over.'' I mean, because of all of the great things that has gone on in this country, we have to make sure that all of our kids, black and white, get an opportunity to cross the bridge.

Mr. RODRIGUEZ. Mr. Speaker, I know the gentlewoman from Florida (Ms. BROWN) mentioned the issue in terms of the number in Texas. It is appalling to see that the law school at the UT, which is supposed to be a little more liberal than most, had accepted 500. Of those, I think they had about four African Americans. Then only one that actually went in.

So I would agree with the gentlewoman from Florida that, if they outreach the way they do for athletics, they could definitely outreach to get some qualified African Americans to go to law school in Texas.

I know that that is unfortunate that those situations exist. I know when the Hopwood case came up in Texas, we were extremely disappointed that this was not the law of the land. This was a case in the district, and it was not one that should have been.

But as soon as that came out, they wanted to make sure they followed it without recognizing that there were still other cases out there that talked about the importance of doing the right thing.

In most cases, even after the cases come about, we need to continue to ask people throughout the country to do the right thing. If one has 500 applicants and one does not have a single African American, there is a problem there. There is a need for us to really kind of look at that. We would ask those institutions, they do not need a law to tell them they have got a problem. They should be able to see it.

Ms. BROWN of Florida. That is correct, Mr. Speaker. I want to tell my colleagues that one of the problems is that these proposals is top down, not bottom up.

I talked with the deans, for example, from the school of nursing. What she indicated to me was that all of their applicants have over 3.0 average. But it is important when they decide or develop the class, there should be some reflection as to the communities that they are going to be going back working in.

There is a shortage of African Americans and Hispanics in the allied health. It is important that it includes it.

One cannot come here and talk about affirmative action and not talk about the history of this country. That is part of the problem. We have had years of slavery, years of Jim Crow, and 35 years of half hearted trying to do the right thing or not even pretending to do the right thing.

So now this is supposed to be some magical day and that it is over and we are not going to consider race. Race is a factor, and we must consider the historical fact.

The gentlewoman from Florida (Mrs. MEEK), when she was in Florida, bright, young lady, could not go to the institutions in Florida. She had to go out of State for education.

Many, many of my colleagues, that was the situation. In certain programs, one could not go to our flagships. One could not go to the University of Florida. One could not go to Florida State. Now, when we are just beginning to make a difference, we are talking about, well, we are going to do away with all of these programs.

Let me tell my colleagues about women, I mean, because that is an area where, even though we have been able to get women into various colleges, we have not gotten into certain programs, like engineering programs or the high-paying technical programs.

So in that agreement that we signed with the Federal Government, we indicated that we would make sure that we would recruit women, not only recruit them, but have programs there for the retention of women in higher education, in various fields.

So we are not going to go back, as I said, not in Florida. We are going to move forward.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman from Florida for her comments.

Mr. Speaker, I also have with us the gentleman from Texas (Mr. GONZALEZ) who is also joining me from San Antonio. He will be making some comments.

The gentlewoman from Florida (Ms. BROWN), I know the comments she has

made are serious. I know in Texas we have a long way to go, and I want to thank the gentlewoman for those comments. I know she mentioned also a little bit in terms of making sure that we provide for our youngsters. As we enter this new century, we have to make sure that one of those cornerstones is making sure that our classrooms are well wired, that our classrooms are well equipped to be able to handle the new technology.

One of the things that, under this administration, I was real pleased to see that we have expanded, when Clinton started, we had only 3 percent that were connected to the Internet. That has gone to 63 percent. It is still not there. We still have a long way to go.

Ms. BROWN of Florida. Mr. Speaker, can my colleagues imagine Florida saying, courses that one has to take, they are going to put them on the Internet? Even though they are wired, they are not hooked up. My colleagues can go to schools in my district, and half of the schools we do not have computers in the classrooms.

My colleagues go to another side of the track, there is computers in all of the classrooms. There are refrigerators and air conditioners. No matter where a kid attends school in this great country, we should have ''A'' schools all over. We do not destroy our system by doing away with the schools. We work to bring all of the standards up.

Mr. RODRIGUEZ. Mr. Speaker, I am on the Committee on Armed Services, and I really feel that part of our national defense is going to be directly tied into the level of our education of our people, just like economics.

Mr. Speaker, I yield to the gentleman from San Antonio, Texas (Mr. GONZALEZ), and ask him to join us in the comments.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Texas very much for this opportunity to join him tonight along with other colleagues that are discussing one of the most important issues facing our Nation, and that is the adequacy of our education system.

They say that a picture is worth 1,000 words; and that is what I have here today. It is going to be a series of six pictures that I have blown up. I think as people view this, they will be able to relate to it because this is an experience, this is a situation that basically exists in everyone's home district.

This first picture is a picture of one of those buildings that are more often called temporary but really are permanent. My colleagues know what I am talking about, those that went up sometimes as long as 30 years ago.

Now, safety is going to be an obvious consideration here. My colleagues can see that it is on blocks. There is an open area underneath there. The sign on the wall says that all visitors stop at the office.

But we know in today's climate, and if one wants one's children in a safe environment, does one want the building out there that is easily accessible to anyone off of the streets? Of course not. This is the problem that we have.

We will go to photo number 2. Now, this is going to be a picture that is kind of dear to my heart, and there is going to be a special reason for it. Back here, my colleagues see these temporary buildings. They see the old existing building. This is Mark Twain Middle School.

This school is located six blocks from my home. Now, my brothers and sisters went to that school. My father also went to that school. My father will be 84 years old this May. He went to this school more than 70 years ago. That is going to be part of our problem. That is the aging, deteriorating condition of our schools.

In this school, the amazing thing is that kids from these temporary buildings have to go into the main building regardless of weather because that is where the student bathroom is located. They do not have any facilities even near this particular building. I am very familiar with that campus.

We will go to number 3 now.

□ 1900

We all think of libraries as a place of learning. Look at this library. The paint is all peeling off the ceiling. We can see it. It actually flakes and falls off of the ceilings onto the teachers and students on a weekly basis.

What is really startling here is that we see about 10 computers. Those 10 computers serve 900 students at Mark Twain Middle School in San Antonio, Texas.

We will go to number 4. Thank God for counselors; right? Now we can see the counselors' office. Three counselors for 1,000 students; and this is where they are counseled. I will tell my colleagues that I have been in that room, and I am convinced that was once a utility closet. They did not tell me that, but I know they are utilizing other closets for other purposes such as offices.

We will go to picture number 5. Now, do they need space? The good news was that recently the school district bought some additional chairs, and so they brought these boxes in. They just did not know where to put them while they moved out the old furniture. They do not have a square inch in that whole facility to even store anything, so these boxes of course were out there in the middle of the hallway for some time.

We will go to the last picture, number 6. One of my favorites. This is another temporary building that somehow became permanent. The majority of these buildings now, where the students are housed and taught, are really in the temporary buildings. Everyone that sees this can relate to it.

Now, we heard earlier on this floor where we had Members of Congress extolling the virtues and the wonderful performance of the Final Four in the basketball championship. I guarantee if those kids had started off in this middle school, they would never have honed or perfected their skills, their athletic abilities, because they could not.

If my colleagues can see, back over here is the basketball goal, which is now located 3 feet from the temporary building. It is no longer a playground; it is no longer a basketball court. But that is what is happening in our schools.

By way of background, in 1995, the GAO conducted a study, and this is what they discovered: forty percent of America's schools reported needing $36 billion to repair or replace building features such as a roof or plumbing. Something as basic as a roof or plumbing.

Two-thirds of America's schools reported needing $11 billion over a 3-year period for repairs and renovations dealing with accessibility and health and safety problems, such as the removal of asbestos, lead in water or in the paint, and materials in underground storage tanks.

Fifty percent of America's schools reported unsatisfactory environmental conditions, such as poor ventilation, heating or lighting problems, or poor physical security, which should be uppermost in our minds.

One-third of America's schools needed extensive repair and building replacements at a cost of $65 billion. These schools throughout the Nation house 14 million students.

The demand for Internet in our schools is at an all-time high. This study showed, according to the National Center for Education Statistics, only 39 percent of classrooms in our poorest schools have Internet access. Not having Internet access today is like not having a library.

My colleagues know what I am talking about. This is not what we wish for our children or any child in this great Nation of ours.

In addition, the National Center for Education Statistics reported that in 1999 America's schools were wearing out. The average public school in America is 42 years old, and school buildings begin rapid deterioration after 40 years. We are well aware of that.

That is the problem that faces us. So what do we do about it? Do we throw our hands up and say, oh, we cannot do anything about that; let us give in? Of course not. Our goal, though, is not all brick and mortar. Our goal is not to repair, renovate, and rebuild these schools solely to have a nice building. That is not it. It is part and parcel of a grand plan, and it is an essential component in this grand plan.

What I am talking about is reducing class size. Every parent that goes to a school where they are going to enroll their child, the first question they ask is what is the size of the class. What is the teacher-student ratio. That is the first question anyone would ask. But we do not even have the physical facility to accommodate smaller classes in

most schools in my district, which is in San Antonio.

What do we get out of reduced class size? We have safe and orderly places for learning, to begin with. We have improved performance of students and teachers. Every study reflects the smaller the class, the better an educational experience for the child. There is no doubt about that.

Now, I am not here to say that only Democrats have these concerns, and I am not here to say that only Democrats have all the answers. That is not true. We have most of the answers. And a good example of a bipartisan bill was the Rangel-Johnson Better Classroom Act. And I am now just going to briefly go over it.

This bipartisan bill would subsidize $24.8 billion in zero interest school modernization bonds. The Federal Government would provide tax credits for the interest normally paid on these bonds. Bonds that would have gone to pay bond interest would be freed for other educational needs. For each $1,000 of school bonds, States or local school districts would save as much as $500 in payments. Yes, out of $1,000, they could save $500 in interest service payments.

So what was the Federal Government's role in this? What would be the burden on the Federal Government? What would happen to local control? States and eligible school districts would complete a review of construction and renovation needs. I repeat, the school districts and the States would conduct the studies. State plans would include processes for allocating funds to areas with the greatest needs. The Federal Government would provide a tax credit to the bond purchaser equal to the interest that would otherwise be paid on a school construction bond. No new Federal bureaucracy would be created.

So my colleagues might say, that sounds like a great idea; what happened to it? It died in a Republican-controlled committee. They are in the majority, and they can do it if they want to; and they did it in this bipartisan bill. Not bipartisan enough as far as the number of Republicans that would come and join us in this wonderful plan and proposal. But this is the problem today.

I started off my remarks by saying that a picture is worth a thousand words. I also will end it by saying that talk is cheap. Words are cheap. What we want to see is action. What we want to see are tangible results. So we may have individuals out there that are touting themselves as the education governor of Texas, but if Texas is such a great model, then I would ask all of my fellow Members in this House, 434, those that are not from Texas, I would ask them to adopt Texas as the model; strive for Texas's great place in education, if that is the great progress that has been made in the past 5 years under Governor Bush.

Talk is cheap. I ask Governor Bush and I ask Members on the other side of the aisle to join hands. Let us not give up on an educational system that provides an education to 90 percent of the children in this country, the public school system. It needs improvement. There is no doubt about that, and we all agree. And we can do it if we work together. But we cannot replace it by simply saying we have a voucher program or let us just privatize it. That will not work.

Let us not lose faith in our public schools. If we lose faith in our public schools, we lose faith in the students. We lose faith in our children. We lose faith in our future.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman for those great comments. I think he has brought this to light in terms of one of the issues. And I want to share with the gentleman the fact that when we did a hearing on violence, one of the key things that they found was classroom size and the importance of making sure we had construction money to rebuild our schools in this country.

I think it is going to be important to make sure we upgrade our technology. We want to make sure that the digital divide does not occur and that cyber-segregation does not happen. I think it is important that every school have that opportunity to be able to provide for their youngsters what is needed.

The gentleman mentioned libraries. I know libraries are having difficulty buying books and also buying the new technology.

□ 1915

Those resources are key. And I want to take this opportunity to thank my colleague for joining me tonight as we have talked about this particular issue which is very key, and that is meeting the needs of education in this country.

As we move forward, we know that the solution is a variety of answers. Both classroom sizes, making sure we have new construction for our schools, making sure we meet those demographic needs that are out there, making sure that we have after-school programs, making sure that we reach out to those 3- and 4-year-old youngsters with Head Start and a variety of different types of programs, and also making sure we have qualified teachers that are out there providing that instruction that is needed.

That requires a commitment, and we are here to let our colleagues know that we are going to make that commitment to make sure that we meet the challenge of the 21st century.

Mr. Speaker, I want to thank our colleagues for allowing us to have this opportunity to be here tonight and dialoguing on the important issue of education, which, as my colleague recognizes, is very important and very key to all of us and one of the things that we need to all be responsive.

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise tonight in support of granting permanent normal trade relations to China, a vote that this House will face possibly as soon as next month.

I consider this to be the most important vote that I will take as a Member of Congress and am strongly in support of it, not just for the economic advantages that it will bring to the U.S., but for the far more important reason of national security and global security, a peaceful world. I think both of these issues are critically at stake in this vote that we will take.

What permanent normal trade relations for China means is that the U.S. has negotiated a trade agreement with China. In exchange for giving them permanent normal trade relations, we will get from them dramatic reductions in tariffs across the board on goods and services.

This is tied into China's entry in the WTO. But it is important to point out that, regardless of what this body does in permanent normal trade relations, China will probably enter the WTO. The rest of the world has as much to say about that as we do.

What we can decide in this House is whether or not we gain the benefits from the permanent normal trade relations treaty that was negotiated with China. In other words, will we begin the economic advantages of reduced tariffs on goods and service across the board to China.

There was a lot of concern about the trade deficit with China. What better way to reduce that than to have a trade agreement that lowers China's barriers to our goods but does nothing to change the barriers to their goods coming to our country. It helps level the playing field and would be a tremendous economic advantage for this country. In agriculture, in my own region, in aerospace and software, name it, we would have an advantage of gaining access to the Chinese market and, therefore, help improve our economy.

As I pointed out, this does not necessarily mean China will come into the WTO. The rest of the world will decide that issue. But the economics are only a tiny part of it.

What is far more important to me is the national security implications, the long-term implications that that has for this country and the rest of the world. We need to peacefully coexist with China. I, for one, do not want another Cold War.

I do not want a hostile relationship with China. We must engage with them to prevent that. I believe that we can. We have followed a policy of engagement and we must continue on that if we are to have a peaceful world. Another Cold War could lead to trade wars and can ultimately lead to military wars and World War III. I do not want that.

China is a country of 1.2 billion people. It is an emerging power. Whether we are engaged with them or not, they will be an emerging power. I want them to be one that we can peacefully coexist with, and trading with them is a critical first start to that effort.

Now, opponents of China typically start out their arguments by pointing out all of the bad things about China, and I will not disagree with any of those. On human rights, on labor rights, on protecting the environment, on their relationship with Taiwan, on basic Democratic freedoms, China has a long way to go. They have a horrible record across the board. And I will rise with all of my colleagues and say that as often as possible and urge China to improve.

But it is not as simple as saying, if China has done anything bad, therefore, we should not trade with them. The question is, how are we going to pull them forward? What course of action is going to improve human rights, is going to improve labor rights, is going to improve how China treats Taiwan? Isolation?

We tried isolation with Cuba for 40 years. Cuba is a tiny nation not 90 miles off of our coast, and our efforts at isolating them has not done one little bit to improve any of their record on democracy, human rights, or anything.

Do we really believe that we can isolate China and pull them forward, a nation of 1.2 billion people with its own power source? If we cut off China, we will be leaning towards a bipolar world that will do nothing to improve human rights.

That is why many human right organizations have said that engagement with China and entry of China into the WTO is critical to us having a better relationship with them and critical to improving human rights in China. We must show them what a capitalist democracy can do. If we do, their people will demand the basic freedoms that the rest of us enjoy. To the cut them off and to isolate them is to empower the hardliners in China who want to maintain the brutal dictatorship forever. We must engage with them and pull them forward.

Many also argue that because of China's attitude towards Taiwan we should not give them access to the WTO. Taiwan wants China in the WTO. They are the ones most affected by that. And they want it for a very logical reason. In essence, they would be trapped in a room with a bully with nobody around. They want as much company as possible. They want the bright light shined on China and their activities for their own protection.

We have many concerns in this area, but giving China PNTR status is going to do more to pull forward those concerns than anything else.

I strongly urge our body to support PNTR for China, not just because of the economic advantages, but because it is important to the future of the world.

VICE PRESIDENT GORE'S ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes as the designee of the majority leader.

Mr. DOOLITTLE. Mr. Speaker, tonight marks the third installment in a series of special orders begun last summer that Members of the House have held on the record and views of Vice President AL GORE.

The Vice President is fond of attacking the work of the majority in the House. We conservatives believe it is important that Americans understand why AL GORE finds our record of cutting taxes, balancing the budget, eliminating wasteful spending, and restoring common sense environmental policies so contemptible.

We believe it is important that the American people know what their Vice President actually stands for. Today, we will examine Vice President GORE's energy policy.

American motorists and hard-working truck drivers in rural and urban areas, particularly those with lower incomes, are getting squeezed by soaring gas prices.

Unfortunately, the Vice President is not there to help. In fact, he is cheering the prices on. It would distress the American people to learn that the Vice President is pleased with this turn of events. After all, he has long advocated policies expressly intended to raise the price and decrease the availability of gasoline to the American people.

He thinks that we just plain use too much of it, the only way to get us to cut back is to raise the prices. Whether it happens through conservation or supply cutbacks, price controls, or tax increases, the end result is what matters. And not only gasoline but all sources of energy he thinks other people should not use are targeted. The Vice President has long advocated his disturbing energy policy, summed up as the less energy used the better.

Tonight we will highlight excerpts from his apocalyptic book Earth in the Balance and other statements the Vice President has made in the past.

Parenthetically, I note this book is being reissued. I am delighted to hear that. I recommend its reading by every informed American so that they will clearly understand what they are getting when they have AL GORE as the Vice President.

Since taking office in 1993 with President Clinton, Vice President GORE was essentially seated in environmental policy for the administration. The administration wasted little time in pursuing an agenda of strict controls on energy. Indeed, it was not more than a couple of months after taking office that a Btu tax was first proposed in 1993 that would force people to feed big government in direct proportion to the amount of energy they consume.

While even the Democrat-dominated Congress rejected that approach, a 4.3 cents per gallon surtax was successfully levied on gasoline. In fact, the Vice President cast the deciding tie-breaking vote in the upper body that allowed this commuter-punishing tax to be enacted. And it remains with us until this day.

Vice President GORE advocated this tax hike not so much to increase revenues for the Federal Government but really to help increase the price of gas and help keep Americans out of their cars. But the price of gasoline has increased so much recently as to dwarf those 4.3 cents per gallon.

It represents the best of all worlds for Vice President GORE. He has the higher gas prices, which he favors on policy grounds, but he did not have to pass such a massive tax increase in order to accomplish it.

To those complaining of high gas prices, Mr. GORE would say, too bad. It is for your own good. Buck up, take your own medicine. If you do not like it, then invent a more efficient engine, ride a bicycle, or take the bus.

Tonight we will talk about the foreign policy failure of this administration, which, by its own admission, was ''asleep at the wheel'' on this vital international issue. We will discuss how the administration deliberately increased our dependence on OPEC and other foreign sources of oil in the first place.

The United States actually has the potential to become much less dependent on foreign powers for oil, but to do so would conflict with the Vice President's utopian new-age vision beautifully laid out in this book Earth in the Balance.

Not only oil but other prominent energy sources have been attacked by the Clinton-Gore administration. The Vice President has urged Americans to find alternative energy sources as an answer to our current woes. Well, those have been tried before and they have failed despite heavy Federal subsidies.

As my colleagues can see here in this chart, this thin red line represents the alternative energy sources, which is just about one percent or so of the total energy consumption in the United States.

The Kyoto Emissions Treaty negotiated by the Vice President would have a devastating impact on American's lives. The upper body wisely refused to ratify it, but the Clinton-Gore administration is trying to implement it stealthily nonetheless. It would make the present situation with gasoline prices pale in comparison.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman performs an excellent service to his colleagues in holding this special order this evening to continue his quest for awareness by the American public of the lack of policy for long-term self-sufficiency for the United States and, worse than that, the implementation of a short-sighted policy that can hurt the American citizen in the short term and the long term.

It was interesting to hear the gentleman report that the energy policy, if we want to call it that, on the part of the administration calls for less consumption, less utilitarian use of energy, less.

Everyone knows that the prosperity we are enjoying now and the prosperity which we want to enlarge depends on innovative ways to use energy to propound the materiel by which we produce and by which we span the world in telecommunications, that we need more energy and, therefore, more consumption. And in order to do that, we cannot gain our goals by shrinking back on consumption, shrinking back on energy sources. But, rather, we must do exactly the reverse.

That is why I have introduced legislation which I commend to the gentleman from California (Mr. DOOLEY) which calls for the establishment of a blue ribbon commission, much like we had with the Social Security problems of 1977 and 1983, which came forth with solutions that are still on the books and which serve to save the Social Security system, but anyway, a blue ribbon commission to establish ways and means by which the United States of America can become self-sufficient at energy within 10 years.

□ 1930

Before everyone bursts into laughter at the impossibility of bringing about self-sufficiency within 10 years, I remind everyone that everyone laughed at President Kennedy when he felt that within 10 years we should be, from his time, on the Moon, and we were. I believe that we can develop a policy that will lead us to the promised land of self-sufficiency within 10 years. But then in order to do that, we have to reverse this administration's course, and that is what the gentleman is saying this evening, reverse it by allowing fullest consideration of the oil reserves in Alaska. That goes without saying. That has to be fully explored. And if the people of Alaska themselves are eager to develop their own resources for the benefit of our country, who are we to say in Washington, D.C. that the Alaskans do not know what they are asking? They know what the value is of their resources, with due consideration for the environment, the wildlife and all the other considerations. They know best about that. Yet they are the ones who are the primary forces behind the idea of considering full exploration of Alaskan oil.

Then we have our lower 48 resources which have to be fully developed. This commission that I envision would look at the way that we failed in the past with oil depletion allowances and with excess profit taxes and with disincentives rather than incentives for exploration of oil and to consider all the possibilities of how we can fully develop that oil and natural gas and all the other possibilities that abound in our own Nation.

We can become self-sufficient. We need more energy. We can do it. This would have another bonanza, I believe, with it. I think the gentleman will agree, if we think it through together, that if we embark on a program of self-sufficiency within 10 years, in the short term it will help us in another way. OPEC will get a signal, all the other oil-producing countries will get a signal that no longer are we going to be satisfied to bow at the knees of the OPEC countries and beg for more oil. They will get the signal that we are intent on becoming self-sufficient. What will that do? That will make them more temperate in the fluctuation of oil production and prices that they have been engaging in for all these years and that will help us in the short term and in the long term.

And then as we move gradually towards this self-sufficiency, we will see our prosperity expand to unknown limits. I believe that even the alternative forms of energy will find a proper place, solar and wind and the geothermal and other kinds of alternatives that we can space out for our country's use over the next 10 years and then thereafter be totally self-sufficient.

Mr. DOOLITTLE. I could not agree more with the gentleman. I remember reading these figures. At the time of the Gulf War, we were only 36 percent dependent on foreign oil. Under the Clinton-Gore administration, we have now slipped over the line to the point where now we are 56 percent dependent on foreign oil, and the policies that they are providing to this country will make us even more dependent into the future. I think you just have to ask yourself, would a Teddy Roosevelt have let this happen? Would a great President or a great administration have put us at the mercy of these governments that control most of the world's oil supply? I think the answer is clearly no.

Mr. GEKAS. I will conclude by thanking the gentleman for the time that he has allotted me and to end by saying I as an American citizen am totally embarrassed and humiliated at the thought of having to beg the OPEC countries to produce more, to send us more, to sell us more of their energy product. It is humiliating. I think our whole Nation is humiliated by what has occurred. We have got to reverse this impact and become self-sufficient so that the OPEC countries eventually will come to beg us to sell us more oil, to beg us to buy more oil.

Mr. DOOLITTLE. I thank the gentleman for his comments and participation this evening.

I ran across an interesting quote here. This is by our President, very recently as a matter of fact, March 7, speaking at the White House.

''Americans should not want them,'' referring to oil prices, ''to drop to $12 or $10 a barrel again, because that takes our mind off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.''

We talked about alternative fuels. It would be great if we could increase the size of this. But despite heavy Federal subsidies, we have not made much progress.

Let me now observe that in his book I referred to, Earth in the Balance, the Vice President referred back to that book just about a year ago and is quoted in Time magazine on pages 65 through 67, April 26, 1999. If there were ever a doubt that maybe his views have changed somewhat in light of events that have transpired, that maybe he has reconsidered certain outlandish statements made in the book, well, it is apparent that that is not the case, because this is what he said:

''There's not a statement in that book that I don't endorse. The evidence has firmed up the positions I sketched there.''

I think there is some pretty interesting material in that book. Let me talk a little bit about the failure of the foreign policy of the Clinton-Gore administration, because indeed they have deliberately made us more beholden to the foreign oil-producing nations, particularly OPEC. As the Energy Secretary recently admitted, the administration was, quote-unquote, ''caught napping'' regarding the current crisis at the gas pump. OPEC should not have the unilateral power to dictate the price of gasoline that American motorists pay at the pump; but unfortunately this is exactly what is happening.

This really is a national security issue. We have put ourselves at the mercy of many regimes hostile to the United States. The weak, vacillating foreign policy of the Clinton administration has a great deal to do with this as we continue to tolerate the excesses of Saddam Hussein. In case of hostilities with any one of these oil-producing nations, we could have our oil supplies cut drastically with little recourse. The Clinton-Gore administration response was to beg OPEC to increase production, and so we went hat in hand asking them, please increase production. We need an administration that will strongly advocate U.S. interests and will produce policies that will take care of the national security of all Americans.

Let me just comment on this energy policy. Here are a few facts that have been assembled, alarming oil and gas facts. Since 1992, U.S. oil production is down 17 percent. Yet consumption is up 14 percent. In just 1 year under the Clinton-Gore administration, oil imports increased over 7 percent. As I mentioned, imports are now at 56 percent and growing rapidly. The Department of Energy predicts 65 percent foreign oil dependence by the year 2020. Indeed some project it will be higher than that. Sixty-five percent importing probably the most fundamental commodity to the interests of this Nation.

At current prices, the United States spends $300 million per day on imported oil, over $100 billion per year on foreign oil, one-third of the total trade deficit. Iraq is the fastest growing source of

U.S. oil imports. In 1990 we had 405,000 jobs in exploring and producing oil and gas. In 1999, that number of 405,000 had dwindled to 293,000, a 27 percent decline. In 1990 we had 657 working U.S. oil rigs. In the year 2000, 10 years later, we had 153 working oil rigs. Our fuel storage has shrunk.

New York lost 20 percent of heating oil storage because of governmental mandates contributing to shortages and price hikes. This year's Department of Energy budget has $1.2 billion for climate change activities but only $92 million for oil and gas research and development. It is clear that the priorities of this administration are not on decreasing dependence on foreign oil, for indeed just the opposite has happened during the nearly 8 years now of this administration. The administration indeed is quite adamant about blocking our attempts to gain energy self-sufficiency. I will just read this quote from the Vice President. He said in October of 1995, ''If they,'' meaning the Republican majority, ''satisfy us on 100 percent of everything else we ask for and they open ANWR in Alaska to drilling, President Clinton will veto the whole thing.''

Mr. GORE is an absolutist in opposition to drilling for new sources of American oil. During his tenure in office, as I mentioned, our demand has grown by 14 percent while our domestic oil production declined by 17 percent. Yet Mr. GORE supports government policies that take many areas of the United States with the greatest oil potential off the table. ANWR, the Arctic National Wildlife Refuge, is a 1½ million-acre arctic coastal plain in Alaska. In 1998, the U.S. Geological Survey estimated that up to 16 billion barrels lie underneath the soil in ANWR, enough to replace our oil imports from Saudi Arabia for 30 years. These reserves can be tapped into with essentially no environmental damage. The development area where the drilling would occur would be less than 1 percent of the whole Arctic National Wildlife Refuge, leaving almost no impact on the environment.

Just to note, at the existing Prudhoe Bay site, the North Slope, which currently provides an enormous amount of oil to the domestic market, wildlife has thrived despite the outrageous and extreme claims of so-called self-styled environmentalists, people with whom apparently the Vice President identifies, that we would do grave harm to the wildlife there. I have been there personally to see it. You would be very impressed with what is going on at Prudhoe Bay and the pipeline. Very, very impressive operation. It has not damaged the environment. If anything, it is looked upon as an asset, and the wildlife has flourished with the facilities that have been placed there.

The people of Alaska overwhelmingly support drilling in ANWR, but the Vice President does not; and as we can see made clear that he would recommend a veto and indeed that is exactly what happened. It was vetoed by the administration. The cost of oil and gas exploration in the U.S. is so expensive through our tax and environmental policies that our own companies would rather search for oil among armed terrorists in Colombia than here. Pushing industry outside the United States does not help the environment because what they do will occur in places where it is not as strictly regulated as in this country. Nevertheless, the production will occur.

Transferring businesses to nations that lack our stringent production standards invites mishaps. Requiring that more oil be shipped overseas increases the risk of tanker accidents. By importing oil, we also are exporting our wealth and jobs overseas. As I observed, the domestic energy industry has lost 112,000 jobs during this administration.

Let us talk about Kyoto. The Vice President wrote in his book, Earth in the Balance, something I think we should focus on for a minute.

□ 1945

''Minor shifts in policy, marginal adjustments in ongoing programs, moderate improvements in laws and regulations, rhetoric offered in lieu of genuine change; these are all forms of appeasement, designed to satisfy the public's desire to believe that sacrifice, struggle, and a wrenching transformation of society will not be necessary.''

Focus on that for a minute. What he is really saying is, in his view, a wrenching transformation of society will be necessary, and that we are fools to think that it will not be. A wrenching transformation of society. Let us see. Could that mean something on the scale of the forcing out of the rural areas into the cities, the peasants in Russia, the so-called collectivization that resulted in the deaths of so many millions. That was a wrenching transformation of society. Or could the period under Mao in China when so many millions were tortured and murdered there, would that be a wrenching transformation of society? That is what I think of when those terms are used. I really think we ought to ponder this belief of the Vice President.

Now, Kyoto, speaking of a wrenching transformation of society, because I believe this is on that magnitude. The disastrous Kyoto protocol was negotiated by the Clinton-Gore administration in 1997, and it would force just indeed such a wrenching transformation that the Vice President envisions in Earth in the Balance, his book written personally, he has reaffirmed by him. And he agrees even more now, or as much now, feels that the arguments have been strengthened in the intervening years since he first wrote it.

The Kyoto protocol requires the United States by the year 2012 to reduce emissions to the levels they were at in the 1980s. The economic recession of the late 1970s caused the United States to cut emissions by 2 percent. Complying with Kyoto would require 3 times the cutbacks experienced during those economic downturns. Those were not good times. We all remember them well, those of us who are old enough to remember. They were very trying times for the United States. It is indeed tragic and frankly, amazing, that someone who has risen to the office of Vice President would propose these sorts of Draconian alterations in our policy.

Happily, the upper body in the Congress voted unanimously to urge the President and the Vice President not to sign the U.S. on to any global warming treaty if it exempted developing countries or injured the American economy. Nevertheless, the resolution of the upper body was ignored and the treaty was negotiated and signed. This treaty basically allowed 132 out of the 168 countries attending the conference to opt out of the treaty on the grounds that they are still developing countries. Among these countries are some of the world's biggest polluters, including China, India, Brazil, and Mexico. So, out of the 168 countries that get to opt out, only 36, including the United States, are precluded by the provisions of the treaty from opting out.

Perhaps the Draconian sacrifices in our standard of living required by Kyoto would qualify us as a developing country. Taken together, developing countries will emit a majority of the world's greenhouse gas emissions by 2015. Yet, under Mr. GORE's treaty, none of those countries would have any obligation to reduce emissions or to obey the rules that govern the United States under the treaty. With so few countries actually agreeing to this protocol, it is highly doubtful that global warming will be reduced.

Happily, the upper body has refused to vote on and ratify the Kyoto treaty. But that has not stopped the Clinton-Gore administration from attempting to end-run the Constitution in implementing it anyway. This administration's 1999 budget included $6.3 billion, an increase to the EPA to draft strict new rules that would unilaterally enact portions of the Kyoto protocol. The cost to U.S. business workers and consumers of complying with the Vice President's Kyoto treaty could be staggering. In real terms, AL GORE committed Americans to reduce our fossil fuel emissions by 41 percent, compared to projections of what we need to maintain our economic growth.

Now, just focus on this for a minute. A 41 percent reduction in fossil fuel emissions would result in huge job losses. Up to 1.5 million workers would lose their jobs in energy intensity manufacturing industries like petroleum, refining, pulp and paper making, cement, steel, chemicals and aluminum, as these jobs move to developing nations not bound by the Kyoto restrictions.

What kind of a policy could that possibly be, to take these high-paying jobs

and send them to some developing Nation and out of the United States to be replaced, no doubt, by more service sector, lower-paying jobs.

Secondly, a 41 percent reduction in fossil fuel emissions would result in a huge increase in the cost of living. American families would pay 25 cents per gallon more due to this alone, this treaty, and $2,000 more annually, for necessary consumer goods, which will experience the trickle-down effect of having the fuel costs raised, and since all of these goods are moved in one way or another and the fuel is used, the average increase for Americans could be $2,000 a year.

Thirdly, due to this 41 percent reduction brought about by the Kyoto treaty, reduction in the fossil fuel emissions, it would greatly diminish U.S. trade competitiveness. Now, we constantly hear out of this administration how they are concerned about trade and they want to increase competitiveness. Well, Kyoto really sets us back. Since 132 countries are not subject to the treaty, the Kyoto treaty will make it much harder for U.S. businesses to compete internationally.

Now, let us get to this: what would it really take? Suppose somehow this were to become law, which the Vice President really wants it to become law and has done everything he could to try and bring that about. Well, it would require huge reductions in total U.S. consumption of fossil fuels: coal, oil, and natural gas. The only practical way to force these cuts would be through steep price increases. That is really what it is all about. That is why the Vice President is happy that the gas prices have gone up. It is long overdue. Economists, friends of the administration, we can read their quotes in the current news magazines, saying how our gasoline prices were way too low and this is a good thing to have them up there, that these economists, some of them, who obviously are very sympathetic to the unfriendly policies of the Clinton-Gore administration, they also decry the rise in SUVs. Americans love their sports utility vehicles. Well, this administration is not at all happy about that, and their friends are not at all happy about that, and they would like to see the price of gas rise so much that one cannot afford to drive those vehicles which they think are bad for the country.

Let me just observe in reference to this point that gas price hikes really are what would be compelled by the Clinton-Gore Kyoto treaty. In other places, where the countries have signed the treaty and which have put the treaty into force, unlike the United States; in Germany, France, the United Kingdom, Australia, and Japan, they have all decided that the only way to reach the Kyoto limits is to raise taxes on fossil fuels. These countries, not coincidentally, in my judgment, are the ones that have had much slower economic growth than the United States over the past decade. What would we expect when the price of gas in Europe for years has been between $2 and $3 a gallon because of the high excise taxes that they have imposed.

Mr. Speaker, we do not want the Europeanization of our energy policy. Cheap energy has been a tremendous blessing, perhaps the single greatest blessing that we could name in terms of economics to the people of this great country. Now we have people in power that are determined to wreck that policy and to replace it with something that will really shrink our standard of living and will make it much more difficult to maintain the prosperity and rates of economic growth that we have had in the past.

Well, we have spent a few minutes tonight talking about the role of the Vice President and his views on energy policy. I am glad that we have had this opportunity, and I would like now to recognize my colleague from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I certainly commend the gentleman for bringing this Special Order to the floor this evening.

One of the things that I have noticed in my 5 years of experience here on Capitol Hill, having left my previous vocation as a physician and taken up the role of legislator for the people of my congressional district is the nature by which so many of the more outrageous blunders and outrageous statements that come from the Vice President are essentially ignored or passed over by the major media outlets in the United States, the electronic media and many of the printed media outlets, newspapers such as the Post, The New York Times.

One area that is very, very significant in my congressional district is the mismanagement by the Vice President of the space station program. The space station program is a program that was redesigned by the Clinton-Gore team in 1993, and in that process, they brought the Russians in as critical partners where we were now suddenly dependent upon the Russians for critical elements in space station construction. The Vice President was intimately involved with this program.

Over the years, subsequent to 1993 he had a series of meetings with the prime minister, Mr. Chernomyrdin at which various phases of space station progress were negotiated, along with other scientific enterprises that the United States was supposedly cooperating with the Russians on.

There were many people, including the gentleman from Wisconsin (Mr. SENSENBRENNER), the Republican Chairman of the Committee on Science, who warned at the time that this approach and this strategy that the administration is pursuing is risky, is dangerous, and could lead to significant delays in the space station program, significant cost overruns, tremendous amounts of additional costs and, indeed, could ultimately lead to the failure of the program in its very important mission.

Well, now here we are, 7 years later, and lo and behold, all of the warnings of the gentleman from Wisconsin (Mr. SENSENBRENNER) at that time have come to pass, and indeed, we have a situation where instead of saving $2 billion as was originally put forward by Clinton-Gore, the space station program is probably going to cost $4 billion over and above what it was originally projected to cost. We have gone from a savings of $2 billion to an overrun of $4 billion, a $6 billion swing.

What is equally egregious is the program is now 2 years behind schedule and indeed, it is uncertain as to whether or not it is ever going to be able to get back on track.

What is even more disappointing is that the Vice President's fingerprints were all over this, and he has yet to put forward his proposal to get this program back on track.

□ 2000

Mr. DOOLITTLE. Mr. Speaker, I would like to observe that the gentleman is absolutely right.

It is a funny thing. With the Clinton-Gore administration, the only time I have ever seen them interested in saving money is when it comes to cutting taxes. All of a sudden, they are the guardians of the Treasury. Every last dime they have to hang onto so none of it goes back to the taxpayer.

The gentleman just mentioned a $6 billion increase they had gone along with. Their regulatory policies are costing us billions and billions of dollars, the consumer and the country itself. They are constantly pushing for increasing the amounts of money in these appropriations bills. They are vetoing our bills because they do not spend enough money, but if it comes to hanging onto the dollar and protecting the taxpayer against himself by not letting him have a tax cut, they are very good about being parsimonious.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, I want to follow that, regarding AL GORE's assertions that George W. Bush's tax cut policies are risky. He is fond of using this term. He used this term to describe the Republican tax cuts policies in the past.

The question I would ask the Vice President, which I believe people in the media should be asking him, is why is it risky when we want to give working men and women a portion of their money back, but it is not risky when AL GORE and Bill Clinton spend that money? Which gets to the heart of the issue that the gentleman is talking about. The only time they talk about saving money is when they are talking about not giving a tax cut.

Why, why, why is it so risky to give working men and women some of their hard-earned tax dollars back to spend on their priorities: their kids' college educations, braces for the kids, saving money for the first home, getting out

of an apartment? That is risky, but lo and behold, when they want to increase spending from Washington, when they want to keep that hard-earned money of those working families and spend it on what AL GORE thinks it should be spent on, then that is not risky.

The answer to that is very, very obvious. This is empty rhetoric used as ploy to avoid the thing they despise the most, which is taking power and influence out of Washington, out of the hands of elected politicians, and giving it back to people; giving the money that they earned back into their own pockets and pocketbooks.

I just applaud the gentleman for so many of the issues that he is bringing up.

I was listening to the gentleman's presentation earlier. He brought up the whole issue of ANWR. I am very, very glad that the gentleman brought that up as it relates to what is going on right now in this country with the high gasoline prices, high fuel oil prices that many, many Americans are having to wrestle with, and the impact on their budget.

We have millions and millions of barrels of additional oil available to us in Alaska. President Clinton and the Vice President are standing against exploiting those oil reserves for no rational reason whatsoever.

I went up there to the North Slope, and people like the Vice President talk about the North Slope as though it is this pristine, wonderful place that we have to protect, teeming with wildlife. It is the most barren, moonlike landscape that Members could ever imagine, and the most amazing thing is that the people who live there see absolutely no problem with tapping into these oil reserves.

The technology has gotten so good and so sophisticated that not only do we protect the environment but, as well, the environment is enhanced by the oil exploration efforts that are there.

When I was there, because of the initiatives pursued, they now have ponds that were lifeless that were rendered deeper because they needed the gravel, and now the ponds are filled with fish. Those fish-filled ponds are attracting more grizzly bears. The roads that they build to drive on in the oil exploration efforts raise the ground up sufficiently that various birds can nest along the edge of the road, so we have a proliferation of birds as a consequence.

Furthermore, the Holy Grail, the thing that they ballyhooed was going to get so disturbed, the caribou, it turns out that the herd is multiplying at a much more rapid rate. The size of the herd has increased dramatically because of the presence of the pipeline.

So every single excuse that they use, and what is, I think, the greatest outrage in this whole affair is here we are today, again, the poor working stiffs of America who have trouble making ends meet, who run out of checkbook funds before the month runs out because they are paying more money for gasoline and for fuel oil, their lives could be made better if we were able to tap into those additional oil reserves there in Alaska.

They are very close to the existing pipeline infrastructure. It entails putting in just a short segment of additional pipeline, and would allow us access to millions and millions of barrels of additional oil. The increased production would have the potential to lower the price of oil worldwide and significantly enhance the quality of life for every American, but yet the Clinton-Gore administration stands up and says, no, no, with these empty, irrational explanations for their opposition.

Frankly, I applaud the gentleman from California (Mr. DOOLITTLE). This just further confirms in my mind that we are standing up for the needs of working men and women, and that we must continue to do so. It is very, very critical that we continue to speak on these issues. I am happy to yield back to the gentleman.

Mr. DOOLITTLE. I thank the gentleman.

Mr. Speaker, just before the gentleman got down, I was just saying the same thing about my trip to the North Slope, and the observations the gentleman made about ANWR and the pipeline are right on track.

But the Vice President apparently does not want to open up ANWR because that will take us away from this which he seeks, a wrenching transformation of society. I guess in his vision we are all supposed to suffer a little. Somehow that is for the common good.

That is not the policy that I endorse. Americans are suffering right now with the failed foreign policy and energy policy that has given us this bump-up in the gasoline prices. Long-term, Americans are going to suffer a lot more if we do not reduce our dependence on foreign oil, and opening up ANWR is the first and most vital step to do that; furthermore, in addition to that, reducing the ridiculously burdensome rules and regulations and restrictions that have been imposed on our people in the oil development industry that is forcing them to go to Colombia, where there are armed terrorists; to feel that that is a more favorable climate to do their drilling work than it is right here in the United States.

So the gentleman is absolutely right, things have been out of hand and they need to be changed.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. WELDON of Florida. I want to underscore a very, very important point highlighted by that poster up there. It is very, very clearly spelled out in AL GORE's book, Earth in the Balance.

I would highly recommend every American purchase a copy of this book and read it. If they read this book, AL GORE wants the price of oil to go up. He wants it to go up dramatically. He would like the American consumer to pay substantially more for a gallon of gasoline. I would wager that the current price of $1.50 to $1.80 per gallon is not high enough for AL GORE, because he would like the price to be so high that people would stop driving and that people would start using mass transit. He would like to get them out of their cars.

That agenda is very, very clearly spelled out in that book in black and white. I would assert that if any Republican had ever written a book with the outrageous assertions that are put forth in that book, that that Republican candidate for president would be excoriated by the American news media; that every single outrageous statement in that book would be attacked and questioned. That candidate could not go anywhere in the Nation where a reporter would not come up to him and ask him, how could he make these outrageous assertions?

Let me just read what that says there: ''Minor shifts in policy, marginal adjustments in ongoing programs, moderate improvements in laws and regulations, rhetoric offered in lieu of genuine change, these are all forms of appeasement designed to satisfy the public's desire to believe that sacrifice, struggle, and a wrenching transformation of society will not be necessary.''

How outrageous a statement can we find? It is disparaging of public opinion. He says, ''designed to satisfy the public's desire,'' as though that is something we are not supposed to do; as though we are supposed to have some higher knowledge and calling and that we are somehow supposed to ignore them, the people who are literally our bosses, and that we are to do what we think is necessary or what he thinks is necessary, a wrenching transformation of society.

What is that wrenching transformation? He wants to get every single one of us out of our cars. He further goes on to claim that the internal combustion engine is one of the single greatest threats to the human race. How much more outrageous a statement could anyone ever have?

I thank the gentleman from California. He has all of the quotes up there. Within the context of the SEI, the Strategic Environmental Initiative, a plan of the Vice President's, it ought to be possible to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period.

What will a Gore presidency mean? It will mean the implementation or an attempt to implement that program right there, spelled out in Earth in the Balance: to completely eliminate the internal combustion engine.

Let me just say that if there were a good replacement for the internal combustion engine that was totally pollution-free and was affordable, I think

every American would support that. Who would not want to be able to avoid gas stations? Who would not want to drive a car that does not spew fumes?

But the reality of physics, the reality of modern science today is the internal combustion engine is the only affordable way for people to get about, and God forbid we have a situation where politicians from Washington are trying to completely eliminate the internal combustion engine, let alone no one other than the President of the United States.

I just want to wholeheartedly congratulate the gentleman from California on bringing these issues to the forefront. These are the issues that we should be debating, what are the underlying philosophies and beliefs of the candidates.

I certainly thank the gentleman, and I would be more than delighted to do this again with the gentleman from California.

Mr. DOOLITTLE. I thank the gentleman. We will be doing it again soon as we examine other aspects of the views and the record of Vice President AL GORE.

EDUCATION

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I heard the previous speakers close out with the name of AL GORE. I understand they have been talking about the Vice President, who is the probable Democratic Party nominee for president.

I certainly would like to begin my statement with a hearty congratulations to Mr. GORE for proposing a $115 billion education reform program over the next 10 years, to allocate $115 billion over the next 10 years.

The details of Mr. GORE's proposal I do not particularly agree with. However, the perspective, the understanding of the need and the scope that we have to move on is welcome. I welcome Mr. GORE's vision, I welcome his commitment, and he is in line with where the American people want to go.

I think we are in an area where the people, the ordinary citizens, are out there ahead of the Members of Congress, ahead of the decision-makers even in the White House, ahead of the decision-makers in the local governments and in the State governments, because the polls repeatedly keep showing that the average American out there views education as the number one priority for governmental action. Education is the number one priority.

There was a time when education was in the top five, in fact, that has been the case over the last 5 years, but education was not number one. Reducing crime at one time was number one, saving social security at one time was number one, Medicare and shoring up the Medicare fund was number one at one time. But not now. Education consistently for the last 10 months has been in all of the polls, and I think the Republican polls are showing exactly what the Democratic polls are showing, that education is the number one concern of the American people.

So a candidate who proposes to come to grips with the problem in a time when we have considerable wealth in this Nation, at a time when we see the estimates for revenue, revenue, being so much greater than expenditures, and the projection after we take care of the surplus of social security and put that away just for social security, the projection is $1.9 trillion in surplus over a 10-year period. So surely it is appropriate that one could talk in terms of investing $115 billion of that $1.9 trillion surplus in education reform.

□ 2015

I do not think that goes far enough. I think that $115 billion is about half of what we need. And the Congressional Black Caucus alternative budget that was on the floor as an alternative to the Republican budget a week ago, the Congressional Black Caucus budget recommended that we use 10 percent of the projected $1.9 trillion surplus, 10 percent should be used for education. Of that 10 percent, 5 should go to school construction and the other 5 percent should go to other kinds of improvements in education; reduction of class sizes by having more teachers, more training for teachers, education technology.

There is a whole range of things that needs to be done and should be done. And for the first time in the last 50 years, the revenues are there. The resources are there. Will we reinvest those resources in education and get a return on them, or will we invest them in trivial weapon systems that are redundant and not needed?

Will we do as the Republican majority has done, add $17 billion to the President's defense budget? The President already put in an increase for defense in his budget that was submitted to the Congress, and the Republicans have added $17 billion to that. Are we going to throw the money away in redundant weapon systems, or are we going to invest the money in education and the kinds of activities that are going to pay off, because there will be a return on those investments?

Now, I have had some comments made about some of the remarks that I have made during Special Orders, especially remarks made about school construction and the fact that I continually seem to be obsessed with one subject. I just want to confess that I have certainly spent a lot of time on this particular subject, on education, in general, but, more specifically, on school construction.

I am going to talk quite a bit about it again tonight, because, you know, in the American political process, the dialogue is invaluable. As a Member of the minority party here in the House of Representatives, all we have left, in many cases, is dialogue, the ability to talk and the opportunity to reach our allies out there in the general public. I have just said we have been reading polls now for the last 10 months, which show that the majority of the American people consider government assistance for education to be the highest priority.

If that is the case, then I have many allies. We have many allies, those of us who want to see more resources from the Federal Government put into education. I want to talk to our allies. I want to talk to all the school children out there who need help. There are 53 million children who go to public schools, and many of those public schools are in serious trouble.

Public schools in the inner cities are in very serious trouble in most of our big cities. Public schools in some of the suburbs also need a lot of help. Public schools in the rural areas are in many cases in the worst shape of all. Help is needed.

I repeat many things over and over again because it is important for us to try to understand this very unusual phenomenon. We have a situation where the people clearly have sent a message that they want to go one way and the overwhelming majority of the powerful decisionmakers in our government are going in a different direction.

The response of the public figures, the public decisionmakers, the response of the leaders, including those who are running for President, has been to talk about the issue of education incessantly. There is plenty of discussion. Among Members of Congress and the Senate and candidates for the presidency, governors and State legislators and city council people and mayors, there is an understanding that when you see the polls, you understand that people are primarily concerned about government assistance for education, your response should be to talk about it, the rhetoric is important; but do not take any significant action, play around with the game of education, make education a game.

Everybody is an expert on education. They want to talk about the phonics system versus the whole word system. They want to talk about the need for more discipline. They want to talk about teachers working harder and the need for certification. Most of the things they want to talk about have some validity, in terms of need.

We need to deal with all of those components. There are different components, and they should be addressed; but few of the decisionmakers, the public officials, want to talk about the need for more resources. They want to deal with the fact that we have Stone Age budgets in our schools. Everything else has taken off. The stock market has soared. It is three times the size it was 10 years ago.

The degrees are different when you start talking about wealth and money

in every other area that you want to examine; but when it comes to schools, suddenly we want to take a horse and buggy approach. We can only see incremental gains being made, small experiments here and there. That is the approach of the present Department of Education. They cannot think big. They cannot see that this is a time to come to grips with the major problem and put major resources behind it; and at the heart of the problem of education is the need for new infractures that I continue to talk about.

It is the kingpin issue, school construction, infrastructure, infrastructure involving a number of things, school repair, new school construction, modernization of schools, the wiring of schools, the developments of new security systems, you know, electronic security systems within schools.

There are a number of ways dollars for infrastructure might be spent, but they are critical in the case of a great number of inner city schools, like the schools in New York City. You need the basics. You need to deal with health-threatening issues. In New York out of the more than 1,000 schools, we still have 200 schools that still burn coal in their furnances. Coal-burning furnaces are still in at least 200 schools; a year and a half ago, there were 275.

I am happy to report that this talk, this repeated focus on the issue has moved some things faster. Certainly in my district, I have seen several schools watch their coal burning furnances being removed and replaced with other cleaner fuels. There are still 200 left.

There are schools in our city, at least a third of them or more, where children have to eat lunch in the morning at 10 o'clock because the school is overcrowded. The lunchroom was built for a certain number of kids. They cannot get them all in there so they have to have three or four cycles, the cycle is three or four. They have to force some to eat lunch at 10 o'clock while some are forced to wait until 1:30 to eat lunch.

The kids at the end are much too hungry and have been deprived, and the kids at the beginning have been abused by having been forced to eat lunch shortly after they have breakfast.

I will not go into all of these examples, which I have given many times before.

Mr. Speaker, I would just like to bring you up to date. I feel it is important to talk about it today because today the Committee on Education and the Workforce, which I have served on for 18 years, has begun the process of a markup of the final section of the Elementary and Secondary Education Act. The Elementary and Secondary Education Act was a creation of Lyndon Johnson and Adam Clayton Powell during the era of the great society.

They broke new ground in providing assistance to elementary and secondary schools. That new ground was broken on the basis of the fact that there were areas of the country of great poverty and where the tax base and various other devices were not measuring up to the provision of adequate education to those children who lived in those areas.

The Elementary and Secondary Education Act's primary focus is on children in poverty, and title I is a primary ingredient of the Elementary and Secondary Education Assistance Act. We have taken care of title I already in last year's session. Now there are other elements in the Elementary and Secondary Education Assistance Act, which we started to discuss today.

I am proud to announce that we spent about the first 2 hours of consideration of the Elementary and Secondary Education Act. They have another name for it. It is called Education Options now. The first 2 hours were spent discussing school construction. This is quite an achievement.

I am here to report tonight that we are winning in the battle to get school construction on the agenda, and the battle to get school construction to be seriously considered. We are winning. We are winning, because not only could we not have a 2-hour discussion in the committee of jurisdiction before, the committee of jurisdiction had ruled that the discussion of construction was not germane.

School construction was not germane a year ago. They would not even let us discuss it. The Committee on Education and the Workforce had surrendered its jurisdiction on school construction to the Committee on Ways and Means.

The only bill in the Congress which dealt with school construction 2 years ago was the bill in the Committee on Ways and Means which was sponsored by the gentleman from New York (Mr. RANGEL) which was supported by most Democrats. It was, of course, proposed by the White House, initiated by the President; and it cost $25 billion in bonding authority to be backed up by the Federal Government with interest payments. The Federal Government, in other words, would pay the interest on $25 billion worth of bonds that States and local education agencies might borrow.

If you borrow the money, all you have to pay back is the principal. The Federal Government would pay the interest, and over a 5-year period that interest came out to be estimated to be about $3.7 billion. In the Committee on Ways and Means, the process of paying back the interest on bonds would have yielded a 5-year commitment of the Federal Government of $3.7 billion for school construction. Now, that is a very tiny amount compared to what we need.

It is at least a recognition that the Federal Government has a role in school construction. We all have supported that consistently. I am happy to report that we are winning. For the first time, the bill also has a Republican cosponsor, the gentlewoman from Connecticut (Mrs. JOHNSON), who is a cosponsor now with the gentleman from New York (Mr. RANGEL). We have hopes that we will have enough votes, if it is allowed to come to the floor, we will have enough votes with the supporting majority party, Republican party, and the Democrats to be able to pass such a bill now that we have Republican cosponsorship, as small as it is, as meager as it is, as inadequate as it is. It at least recognizes the role.

It would be a breakthrough to actually have it pass on the floor or even come to the floor for serious consideration. I assure you that there are real problems with more than just the amount. Not only is it too small an amount but it will not help New York State, for example. The great State of New York with millions of childrens in school will not be helped by this bond authority bill, even though the Federal Government is willing to pay the interest on the bond.

We have had two bond issues related to school construction over the last 10 years and they failed. The voters have voted down two bond issues, and the likelihood that they will vote for another one, even if it has the Federal Government paying the interest, is very slim. So it will not help us.

We need a direct appropriation. There are hundreds of jurisdictions across the country, local education agencies and counties and States that have the same requirement, that the voters have to approve the borrowing of money for schools, and the voters consistently in many places are not approving that.

We had a dialogue about it, though, in the Education and the Workforce Committee. The dialogue was very interesting. We should report the very fact that we had the dialogue, as I said before, is an indication of the facts that we are winning. We are winning because we had the dialogue about school construction on the Committee on Education and the Workforce, which has been in denial for the last 6 years.

Since the Republicans gained control, they have refused to discuss the issue of school construction in the Committee on Education and the Workforce. Today we had a discussion. Part of the stimulus for the discussion was the offering of an amendment by the ranking Democrat, the gentleman from Missouri (Mr. CLAY), to amend the Republican-sponsored substitute by placing in that substitute the President's $1.3 billion direct appropriation for school repairs.

□ 2030

The President has offered $1.3 billion for a direct appropriation for emergency repairs, and that itself is a breakthrough. Because the President and the White House also, for the last 6 years, the last 5 years, have only had one initiative and that is the Ways and Means initiative with the gentleman from New York (Mr. RANGEL) for the $25 billion in authority to buy bonds

and we pay the interest on it. So when the President offered his budget for the year 2001 in February of this year, he included for the first time a direct appropriation, $1.3 billion, for education.

The government really runs on direct appropriations. We do not fund helicopters or aircraft carriers or submarines with bonds. We do not say go out and buy bonds, we will pay the interest. We fund what we consider important with a direct appropriation. We fund the agriculture subsidies to farmers with direct appropriations.

We fund many programs that are questionable with direct appropriations. I will not say that highways and roads are questionable. We all need them. But we authorize the funding of highways and roads and mass transit, too, subways and buses. We authorized $218 billion last year, $218 billion over a 6-year period for highways and roads; and that is going to be a direct appropriation. We did not say borrow the money and we will pay the interest.

So when the Government is serious, when the decision-makers are serious, they do not talk about giving bond authority to go out and borrow the money and we will pay the interest; we have direct appropriations. And if we are going to be serious about school construction, we need direct appropriations.

So I want to applaud the President, the White House, for taking this small step. A journey of a thousand miles begins with one step. They broke the pattern of insisting that school construction funds have to be won through a bonding process, a borrowing process, and they recommended and they put in the budget $1.3 billion.

So we were introducing, the Democrats, the minority Democrats were introducing an amendment to the majority Republican bill which would put the President's $1.3 billion into the bill that we are preparing to bring to the floor. And of course the majority had the votes and they voted it down. But we had 2 hours of discussion, and I consider the 2 hours of discussion in the committee to be a victory, just as I consider the fact that the President moved off dead center and even made the proposal for the $1.3 billion a victory. We are winning. We are winning.

The pressure of public opinion, the pressure of what is said in the polls and what people are telling their Congresspeople is beginning to get through. So I am here to say to all America that we are winning, and we must continue the pressure. Over the next 2 or 3 weeks we are going to be discussing this education bill. We probably have 2 more days before the markup is finished in the committee, and then probably in 5 to 10 days it will be on the floor of the House for discussion. And then, of course, the Senate will act and there will be a conference.

Given the position of the majority party, the Republicans in the majority in the House of Representatives and the Republicans in the majority in the Senate, given the position of the majority party, it is not likely that any direct appropriations are going to pass out of the Congress for school construction. However, the dialogue is important. The record of the dialogue is important. The public ear in listening to the dialogue is important. Because in the final analysis, this issue is going to be decided in a set of negotiations, what I call the end-game negotiations.

The President will veto a bill that is filled with outdated assumptions and throwbacks to the past, like the one that we were discussing today. I want to discuss the nonconstruction parts of it, where they talk about block grants and they are wiping out certain types of programs, including the program which provides more teachers for the classroom. There are many reasons why the President will veto the bill. So having vetoed the bill, there will have to be negotiations before we can come up with another bill. In those end-game negotiations we want the President to hear the voice of the American people. We want him to listen to what they have to say and understand that we are winning.

We are much further along now than we were a year ago. When I first came to the floor with this hat as a symbol, we were way, way behind in terms of the recognition among Members of Congress that school construction is a major issue and it is an issue at the heart of education reform. Democrats and Republicans have a hard time understanding that. Although the polls show not only that education is of primary concern among the American voters, when they broke down education into components, one poll did this, they found at the head of the list of all the things that the public feels should be done in education the item of fixing the schools.

Now, fix the schools can mean a lot of different things, but they mean physically fix the schools. There was repair, new schools, modernization, wiring for the computers and the Internet, but that emerged clearly. The physical infrastructure emerged clearly among the concerns about education as the top concern.

Why? Because a lot of the other things become jokes. Common sense out there among the people and the teachers and the students tells us that it is hard to envisage a modern education with new computers, new technology in the school, in the classroom, if the school has a coal burning furnace and the kids have respiratory illnesses and the teachers have respiratory illnesses. It is kind of hard to deal with the dream, the vision of an education for the digitalized world. The new computers coming in are resented because they would like to see the coal furnace go. Or if the windows are broken and have not been fixed for some time; or if the top floor of the school cannot be used.

One school I know of, with three floors, has the top floor abandoned because the walls are caving in. No matter how hard they try to fix the roof, they cannot stop the moisture from leaking in and the walls on either side are caving in. It is time to leave the school. It is time to abandon that building. But they are still there, and the school is over 100 years old. They cannot believe that we are serious about education when we talk about everything except the physical infrastructure because we say that that is too expensive. Let us focus on something else because we cannot afford to fix that. Let us focus on new technology. Let us focus on the teachers.

The great cry about the fact that teachers are not qualified, and in poor schools we find a large number of uncertified teachers, where people have not even bothered to take the test that certifies teachers, because there is a great teacher shortage in the inner city schools in particular. Number one, the suburban schools surrounding most large cities are paying larger salaries; and, number two, the working conditions are so much better.

Why should a teacher teach in a school that is burning coal in the furnace and have her own lungs jeopardized when they can have a choice and teach under better conditions. Working conditions for teachers are as important as working conditions for people who work in factories. Unions bargain and working conditions are always a major item on the bargaining list. Why should teachers teach in conditions that threaten their health when they can go and teach in schools that are not only safe and healthy but also conducive to learning? They have decent lighting, they are painted, the ventilation is adequate. All of these things do not exist in many of the inner city schools that the teachers are running from.

So we cannot solve the problem of certification by focusing only on the problem of teacher certification. We cannot have high standards for teachers if the pool of teachers is always going to be very shallow. These school systems do not have a choice. If they want a body in front of the classroom, they are going to have to take an inadequate teacher, a teacher that is not certified.

In fact, we had a dramatic situation in one district. In my congressional district there are four different school districts. And in those school districts they have varying kinds of problems, but one has an intense problem with uncertified teachers. The teachers' union offered the uncertified teachers in one district their tuition. They said they would pay their tuition. They would cover the cost if they would go finish their education, so they can take the test and be certified. The majority of the uncertified teachers, many of whom have been around for years, did not want to bother, even with the tuition paid and the benefits the union was willing to offer. They refused.

And, of course, the superintendent of that district said, well, everybody who

refuses to accept the offer will place their job in jeopardy. The answer came back from some of the uncertified teachers, go ahead. Because they knew if they were fired, they could go to another district. If they were fired, they knew there would be nobody in front of these classes. They understand very well things are at such a low point in terms of teacher availability and teacher training that most districts are desperate to have a body in front of a classroom. They must have an adult in front of a classroom, and that is their first priority. They cannot demand that people get certified.

Uncertified teachers do not have the same benefits as certified teachers. They suffer a few hardships, but there are some people in the world who just want a basic job and have no ambition or whatever. The pool is so shallow until we cannot weed those folks out. There was a time when people coming out of college, the first job that they had was teaching. It was a time when large numbers of people, certainly in the minority community, had no options. So we had some of the best teachers in the Nation in the minority schools because we had brilliant people who could not get jobs elsewhere who became great teachers.

That is not the condition that exists anymore. We have a shallow pool to begin with, and if we make it difficult for them, they will not be there. Only those who cannot go anywhere else, the worst, the worst college graduates and the worst lingerers, people who have been around for years and years and not bothered to finish their education, all kinds of people have become uncertified teachers for life. It becomes a career, a career as an uncertified teacher.

So we cannot solve the problem, though, if we do not address a number of issues. And certified teachers have now been given health benefits, vacation, a number of things; but the pool keeps being eroded because the certified teachers, the best teachers, keep leaving a system that has problems, including problems of poor working conditions; poor working conditions that sometimes jeopardize their health.

So we can take any problem that we want to talk about: the fact that the regents of New York State have now said a student cannot graduate unless they pass a battery of tests; English test, math test, et cetera. There was a time when they would allow youngsters to graduate with a general diploma. They would march in the line and nobody would know the difference whether they had really completed all of their work or not. Now the general diploma has been eliminated so the State board of regents that oversees all education in the State looks good.

That is a politician's dream, to take action, affirmative action to do something about poor education. But most of the affirmative action is directed at the students, forcing the students to live up to standards. They still do not have any improvements in the quality of the teachers. There are some schools who lost their physics teachers 5 years ago, and they have not been able to find another person who pretends to know physics. Oh, yes, they will get some English teacher or some person who is brave enough to volunteer to go into the classroom, but there is a great shortage of physics teachers and other science teachers.

There is one school I know of that has not had a physics teacher in 5 years; yet we are going to make this student pass a science test when the teacher is inadequate in the area of science. We are going to make them pass a science test when the school has no laboratory. Not an inadequate laboratory, but there are some schools that have no laboratories where students can go and experiment.

□ 2045

Most of them that do have laboratories are woefully inadequate, they are stone-age creations and have nothing to do with textbooks and the kind of things that textbooks are talking.

The libraries are a disgrace. Most of the libraries have books that are 20 and 30 years old. It is better sometimes not to learn than to learn the wrong facts by reading a 20- or 30-year-old book, especially if it is a geography book or a history book. There are a number of books that it is dangerous to believe the map of the world is the way it looked 20 or 30 years ago, the nations and the United Nations as they were 20 or 30 years ago. And on and on it goes.

So all of these other problems are very real, but if we do not have adequate facilities, if we do not have an adequate infrastructure, the solution to the other problems become that much more difficult.

We have a situation now where we are about to pass, and it is going to pass because very few people are against it, and I have mixed feelings about it, another extension for H1–B.

H1–B is a piece of legislation that comes out of the Committee on the Judiciary which changes the immigration quotas for professional workers. Professional workers, people with expertise needed in a country, the agitation for these kinds of changes comes from industries that have the greatest need.

The industry that has the greatest need is the information technology industry, the industry which uses computers and has taken us into the whole world of digitalization. They need people. There are real vacancies. They are not exaggerating. And I suspect, even with the gyrations of the stock market, the fact that it has gone up and down and some technology companies may be in trouble, I suspect they will have no real impact on their need for more high-tech employees.

So we are going to have the bill on the floor to greatly increase the number of people who are allowed in the country exempted from the other immigration rules given a red carpet into the country to fill these jobs.

I think it was increased less than 2 years ago to 125,000. And now I think they want to double or triple that. They are really going for broke in terms of many, many more to bring in. And that is the way we solve the problem of not having an adequate pool of young Americans who can meet the requirements of the age of the cybercivilization.

We are into the cybercivilization. It surrounds us in many ways, not just industry and the high-tech industries. But in the military they are having serious problems finding young people who have had enough exposure to training in computers and related matters to be able to go into the Army, the Navy, or the Marines and deal with the high-tech military equipment.

The last super aircraft carrier that was launched was 300 people short. They were short 300 personnel because they could not find the personnel who had the aptitude to learn how to operate the high-tech equipment. They probably solved the problem by now. But they had to put out to sea and launch the aircraft carrier 300 personnel short.

So those who think that pouring billions of dollars into defense is a noble and adequate act relevant to our times, stop and think about the fact that the high-tech military that we have is as much in need of brain power as our economy is or any other sector of operation.

Brain power is the power that drives everything. And surely, if the public out there, the voters who clamor for more government assistance for education, if they understand this, why do the elected Members of Congress, most of whom have gone to college, most of whom read quite a bit, most of whom are in an atmosphere where these items are discussed, why do they cling like savages to the taboo that Federal assistance to schools should not include school construction?

Let me just read two items here, portions of it. April 4. ''Today the Clinton-Gore administration put out a 'National Call to Action' to close the digital divide.'' To close the digital divide means that there is a segment of our population, the elite segment, they are very much well versed in the whole digital age, computers and Web sites, and they are off and running, they are making a lot of money, they are improving technology by leaps and bounds, we have geometrically increases in our knowledge, but they are leaving behind them a large segment of the population, not just the poor and the minorities, but there are many children of working families who are not minorities who will also be left behind.

Children of working families in America need first-class schools and need world-class schools, and they are being denied those schools by the kind of decision making that refuses to recognize the need for school construction.

So we have the phenomenon of President Clinton announcing today that over 400 companies and nonprofit organizations have signed a ''National Call to Action'' to bring digital opportunity to youth, families, and communities. President Clinton's ''National Call to Action'' is a challenge to corporations and nonprofit organizations to take concrete steps to meet two critical goals.

Goal one is to provide 21st century learning tools for every child in every school. For children to succeed, they need to master basic skills at an early age. The ability to use technology to learn and succeed in the workplace of the 21st century has become a new basic, creating a national imperative to ensure that every child is technologically literate.

To reach this goal, America needs a comprehensive approach to connect every classroom, provide all students with access to multimedia computers, train teachers to use and integrate technology into the curriculum, and to provide high quality on-line content and educational software.

Goal number two is to create digital opportunities for every American family and community. For all families and communities to benefit from the new economy, we must ensure that all Americans have access to technology and the skills needed to use it. We must work to meet the long-term goal of making home access to the Internet universal to bring technology to every neighborhood through community technology centers, empower all citizens with information technology skills, and motivate more people to appreciate the value of getting connected.

And then the President proceeds to announce a number of initiatives being taken in connection with Government and private industry. And it is the private sector, of course, that is taking the initiatives which involve money, additional funding. Because we are at a standstill here in this Congress in recognition of the fact that we are going into the cybercivilization, and we need to address the investment of more of our money into the education of our populous.

Mr. Speaker, I include for the RECORD the following statement: The Clinton-Gore Administration: Related to a ''National Call to Action'' to close the digital divide:

THE CLINTON-GORE ADMINISTRATION: A NATIONAL CALL TO ACTION TO CLOSE THE DIGITAL DIVIDE

President Clinton Will Announce Today That Over 400 Companies And Non-Profit Organizations Have Signed A ''National Call To Action'' To Bring Digital Opportunity To Youth, Families and Communities. The President will be joined by the Secretary of Labor Alexis Herman, Senator Barbara Mikulski and Julian Lacey, a longtime volunteer at Plugged In, a Community Technology Center in East Palo Alto, California. He will announce his ''National Call to Action'' to help bring digital opportunity to youth, families and communities around the country. Over 400 companies and non-profit organizations have agreed to sign this Call to Action.

President Clinton's ''National Call To Action.'' President Clinton has issued a ''National Call to Action'' to challenge corporations and non-profit organizations to take concrete steps to meet two critical goals:

Provide 21st Century Learning Tools For Every Child In Every School. For children to succeed, they need to master basic skills at an early age. The ability to use technology to learn and succeed in the workplace of the 21st century has become a ''new basic''—creating a national imperative to ensure that every child is technologically literate. To reach this goal, America needs a comprehensive approach to connect every classroom, provide all students with access to multimedia computers, train teachers to use and integrate technology into the curriculum, and to provide high quality. online content and educational software.

Create Digital Opportunity For Every American Family And Community. For all families and communities to benefit from the New Economy, we must ensure that all Americans have access to technology and the skills needed to use it. We must work to meet the long-term goal of making home access to the internet universal, bring technology to every neighborhood through community technology centers, empower all citizens with IT skills, and motivate more people to appreciate the value of ''getting connected.''

The President Will Announce Several Initiatives To Help Bring Digital Opportunity To All Americans. The President will announce the following initiatives that demonstrate a real commitment by the public and private sectors to work together to bridge the digital divide:

$12.5 Million For An ''E-Corps.'' The Corporation for National Service will commit $10 million to recruit 750 qualified AmeriCorps members for projects aimed at bringing digital opportunity to youth, families and communities. These volunteers will provide technical support to school computer systems, tutor at Community Technology Centers, and offer IT training for high-tech careers. The Corporation for National Service will also commit $2.5 million for digital divide projects under the Learn and Serve program, which allows young people to make a difference in their communities while going to school.

Yahoo! Will Invest $1 Million in Digital Opportunity. Yahoo! will provide an Internet advertising campaign worth $1 million to enlist volunteers with high-tech skills for AmeriCorps' digital divide initiative. The Yahoo! banner ads will help AmeriCorps meet the challenge of recruiting volunteers with high-tech skills to work on technology-related projects.

3Com Launches NetPrep GYRLS. In partnership with the YWCA's TechGYRLS program, 3Com will announce NetPrep GYRLS, a $330,000 program that will offer girls aged 14–16 training in computer networking. Currently, women represent less than 30 percent of U.S. computer scientists and computer programmers. The 3Com NetPrep curriculum will allow high school girls to focus their technical education on computer networking, leading to an industry-standard certification. 3Com expects to reach 600 girls in 30 NetPrep GYRLS locations across the country.

American Library Association. The American Library Association will pledge to help bridge the digital divide by working with its members to create or expand ''information literacy'' programs in at least 250 communities around the country. People with information literacy skills are able to recognize when information is needed and have the ability to locate, evaluate, and use it effectively.

President Clinton Will Also Announce His Third New Markets Tour—From Digital Divide to Digital Opportunity. On April 17–18, President Clinton, accompanied by CEOs, Members of Congress, Cabinet Secretaries and community leaders will focus national attention on initiatives aimed at overcoming the digital divide and creating opportunities for youth, families and communities. The President will travel to East Palo Alto, California; the Navajo Nation in Shiprock, New Mexico; and Chicago, Illinois to highlight private and public-sector initiatives to help bring digital opportunity to all Americans. Later this month, the President will travel to rural North Carolina to stress the importance of expanding rural access to the emerging broadband Internet.

THE IMPORTANCE OF BRIDGING THE DIGITAL DIVIDE AND CREATING DIGITAL OPPORTUNITY FOR ALL AMERICANS

Access to computers and the Internet and the ability to effectively use this technology are becoming increasingly important for full participation in America's economic, political and social life. People are using the Internet to find lower prices of goods and services, work from home or start their own business, acquire new skills using distance learning, and make better informed decisions about their healthcare needs. The ability to use technology is becoming increasingly important in the workplace, and jobs in the rapidly growing information technology sector pay almost 80 percent more than the average private sector wage.

Technology, used creatively, can also make a big difference in the way teachers teach and students learn. In some classrooms, teachers re using the Internet to keep up with the latest developments in their field, exchange lesson plans with their colleagues, and communicate more frequently with parents. Students are able to log on to the Library of Congress to download primary documents for a history paper, explore the universe with an Internet-connected telescope used by professional astronomers, and engage in more active ''learning by doing.'' Students are also creating powerful Internet-based learning resources that can be used by other students—such as award-winning Web sites on endangered species, the biology of sleep,human perception of sound, and an exploration of the American judicial system.

Access to computers and the Internet has exploded during the Clinton-Gore Administration. Unfortunately, there is strong evidence of a ''digital divide''—a gap between those individuals and communities that have access to these information Age tools and those who don't. A July 1999 report from the Department of Commerce, based on December 1998 Census Department data, revealed that:

Better educated Americans more likely to be connected. Between 1997 and 1998, the technology divide between those at the highest and lowest education levels increased 25%. In 1998, those with a college degree are more than eight times likely to have a computer at home and nearly sixteen times as likely to have home Internet access as those with an elementary school education.

The gap between high- and low-income Americans is increasing. In the last year, the divide between those at the highest and lowest income levels grew 29%. Urban households with incomes of $75,000 or higher are more than twenty times more likely to have access to the Internet than rural households at the lowest income levels, and more than nine times as likely to have a computer at home.

Whites more likely to be connected than African-Americans or Hispanics. The digital

divide also persists along racial and ethnic lines. Whites are more likely to have access to the Internet from home than African-Americans or Hispanics have from any location. African-American and Hispanic households are roughly two-fifths as likely to have home Internet access as white households. However, for incomes of $75,000 and higher, the divide between whites and African-Americans has narrowed considerably in the last year.

Rural areas less likely to be connected than urban users. Regardless of income level, those living in rural areas are lagging behind in computer ownership and Internet access. At some income levels, those in urban areas are 50% more likely to have Internet access than those earning the same income in rural areas. Low income households in rural areas are the least connected. with connectivity rates in the singles digits for both computes and Internet access.

In addition, data from the National Center for Education Statistics reveals a 'digital divide' in our nation's schools. As of the fall of 1998, 39 percent of classrooms of poor schools were connected to the Internet, as compared to 74 percent in wealthier schools.

I will not go through the entire piece because it is available on the Internet from the White House, and now we can get it from the Library of Congress THOMAS because it will be entered into the RECORD here for this special order.

There is another document that I would like to also read some excerpts from. This is a document that came from a group in California near Silicon Valley: Jacqueline S. Anderson, the vice president of the Bay Area Chapter of Black Data Processing Associates; Hattie Carwell, who is president of Northern California Council of Black Professional Engineers; Eric Harris, who is the chair of the National Society of Black Engineers Alumni-Extension in the Silicon Valley Chapter; Henry Hutchins, the president of San Francisco Bay Area Chapter National Black MBA Association; Dr. Keith Jackson, the National Society of Black Physicists; Harvey Pye, Human Resources Network of Black Professionals; Kervin Hinkston, the president of the Bay Area Chapter Black Data Processing Associates; Frederick E. Jordan, the co-founder of the Northern California Council of Black Professional Engineers; John William Templeton, Books'n'Bytes, the Technology Alliance for African American Students.

They sent this letter to the gentleman from Missouri (Mr. GEPHARDT) and they sent copies to Senator DASCHLE, Senator KENNEDY, the gentleman from California (Mr. CAMPBELL), the gentleman from Michigan (Mr. CONYERS), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. SMITH), the gentleman from North Carolina (Mr. WATT), etc.

They did not send a copy to me. But in the Congressional Black Caucus meeting today, it was passed around and I found it to be very relevant to what is taking place right now in our Committee on Education and the Workforce and what will be coming to the floor probably next week, if not tomorrow, the H1–B visa issue.

As I said before, H1–B visa is an exemption that is granted for professionals and experts to come into the country without having to go into the usual procedures to speed into the country those people which the industry needs in high-tech jobs and other positions requiring expertise.

We went through that less than 2 years ago, and we increased the quota greatly. And now they are coming back for a still greater increase in quota. These people whose names I just read, all minorities, practically all African Americans, who are professional, who are experts, who are scientists, have written to the gentleman from Missouri (Mr. GEPHARDT) about the dilemma they face at a time when we are bringing in H1–B professionals from all over the world.

I am going to read some excerpts here from this letter, and I will submit the rest of it for the RECORD.

Dear Representative GEPHARDT, more than 10,000 African American students in physics, chemistry, and engineering have met in the past 30 days. Only a token number of Silicon Valley companies showed up to recruit them.

When the National Council of Black Engineers and Scientists met in Oakland in 1998, not a single Silicon Valley company showed up to recruit them. You can ask Representative BARBARA LEE (D-California) because she spoke at the event.

Those young people are counting on you and the Democratic Members of Congress to protect their right to earn a living in the highest wage, highest growth sectors of our economy. That is why we are quite disturbed that you and other members of the Democratic Caucus are supporting gargantuan increases in the H1–B program that exceed the total number of projected new jobs in the high-technology industry.

Dr. Anita Borg of the Institute on Women and Technology, pointed out on 60 Minutes that the jobs being filled by H1–Bs correspond almost exactly with the underrepresentation of women and minorities in science and technology education. The proposal you are quoting as backing would not only fill all those jobs but all the available university slots at the same time as many States are ending their affirmative action programs.

Back in 1876 the Hayes-Tilden compromise set in motion an irreversible series of events that led to Plessy v. Ferguson and Jim Crow laws. The ability to impose segregation in practically every employment sector was undergirded by extensive immigration.

The point here is that immigration has been used to defeat the training of people with insight and the employment of people who are already inside the country.

In January of this year, we received the entire file of labor condition applications from the Department of Labor for the western United States. After selecting 100 LCAs at random, we solicited resumes for the jobs among groups of older white programmers and African-Americans. We were able to gain a sufficient number of responses within 4 days and submitted the data to the applicant companies. We have yet to get a single response.

They go on and on talking about the great need in Silicon Valley for people that is being voiced by the companies there as they are joining the other high-tech companies around the country, and they are demanding that we get more foreigners in through the H1–B visa process while they are not making the opportunities available to people within their own jurisdictions, own areas.

These are people who have already gotten training and have said that they are being locked out because the H1–B visa process brings in a more desirable people in terms of people from other countries who are willing to work for lower salaries and for other reasons that they claim they cannot quite comprehend but prejudice and discrimination are at the heart of it as they see it.

I do not agree with the statement here that we have enough people in the country already to fill all those vacancies. But I do sympathize with these workers because they represent another part of the problem.

□ 2100

Part of the problem we are faced with when they bring in workers from outside is that they are paying them much lower salaries. In fact, one of the great sources of high-tech workers, information technology workers, is India. India had a vision more than 20 years ago to see that this was an area where they wanted to develop a large pool of highly trained people, so they have become the suppliers of high-tech personnel all over the world, especially in English-speaking countries. So India, because it is an English-speaking country that has the professionals who have this kind of expertise, has become a major supplier. But they come and they work for much lower salaries. The appeal of the lower salaries is a factor in the push to get more of them in rather than to have better training programs and greater opportunities being created here in this Nation for people who are here already.

They conclude by saying:

We do not see the gesture of applying H1–B fees to scholarships and K–12 education as significant. Those funds should go to enforcement and streamlining the immigration process, already overwhelmed by current numbers. As written, the scholarships are likely to go to visa holders. The amount needed to bring inner city schools to current standards for high-technology instruction is about $20 billion, the same amount Congress recently spent on so-called juvenile justice. Instead, we would encourage requirements of direct scholarship and internship assistance by any company filing for such a guest worker, the funds for scholarships should go to community colleges, area public institutions, historically black colleges and universities, et cetera. We would also give a priority for H1–B approvals to companies that meet or exceed local community representation in their workforces as measured by the EEO–1 for underrepresented groups.

In conclusion, it is untenable for America to spend billions locking up African American and Latino youth or forcing them to fight overseas wars just to gain skills or an education and then to lock them out of the best-paying jobs. If there is a choice in the

2000 elections, then we would expect you to stand up for those who have traditionally supported you. You have the benefit of history to guide your decision. Don't let Jim Crow come back.

This letter from the professionals from the Bay Area I would like to submit in its entirety for the RECORD.

Hon. RICHARD GEPHARDT,
Minority Leader, House of Representatives,
The Capitol, Washington, DC.

DEAR REPRESENTATIVE GEPHARDT: More than 10,000 African-American students in physics, chemistry and engineering have met in the past 30 days. Only a token number of Silicon Valley companies showed up to recruit them. When the National Council of Black Engineers and Scientists met in Oakland in 1998, not a single Silicon Valley company showed up to recruit them. You can ask Rep. Barbara Lee, D-CA, who spoke at the event.

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Frankly, it is a shame that two conservative Republicans, Reps. Lamar Smith and Tom Campbell, from the two highest-growth technology areas, Austin and Palo Alto, are sounding the alarm for the protection of American workers, while the Democratic Caucus appears to be chasing campaign dollars.

Back in 1876, the Hayes-Tilden Compromise set in motion an irreversible series of events that led to Plessy vs. Ferguson and Jim Crow laws. The ability to impose segregation in practically every employment sector was undergirded by extensive immigration.

In Silicon valley, the progress of the African-American, Latino and Native American communities since the 1960s to break into technology has been reversed since 1996. Our analysis of 253 EEO–1 forms from Northern California high tech firms showed an absolute decline in the employment from these groups. In addition, 80 percent of high tech companies do not even file the EEO–1 form. By comparison, the same cohort makes up 35 percent of the Department of Defense's civilian and uniformed personnel.

In January of this year, we received the entire file of Labor Condition Applications from the Department of Labor for the western United States. After selecting 100 LCAs at random, we solicited resumes for the jobs among groups of older white programmers and African-Americans. We were able to gain a sufficient number of responses within four days and submitted the data to the applicant companies.

We have yet to get a single response. Keep in mind, under the unenforceable ACWIA, each applicant company ''attests'' that it can not find American workers for the job. However, no government agency actually audits or monitors that claim.

The seven-day response guarantee on LCAs looks like a speedway compared to person who have filed discrimination complaints with the federal government against high tech firms. Waits of two years for a ''right to sue'' letter are minimum. 3Com fired an African-American engineer, Lindsay Brown, last year from its Palm Computing division the day after he filed a complaint with the EEOC. That shows the kind of contempt for labor standards that the H1–B program is breeding in high technology. Although we informed EEOC and OFCCP about the 80 percent non-response rate for EEO–1s two years ago, neither agency has even sent a letter to the offending companies.

Only discriminatory practices can explain the fact that there are more than 225,000 African-American engineers, programmers and systems analysts, according to the Bureau of Labor Statistics, yet only 1,688 black professional employees of any kind in those Silicon Valley companies.

You should take note of the fact that the three states with the highest demand for these H1–Bs have all taken steps to reduce African-American and Latino enrollment in their colleges, particularly in graduate and science programs, through initiatives funded largely by high technology executives.

Putting the pieces together, Congressional approval of the Abraham or Lofgren-Dreier bills would extend and accelerate ethnic cleansing in the high technology industry, lock the doors of opportunity for decades and harden racial inequality into concrete and steel, instead of merely glass.

We would encourage you to support and extend the worker protection provisions in the Smith-Campbell bill by requiring that companies with active ''right-to-sue'' letters from the EEOC or OFCCP be barred from making ''attestations'' about hiring American workers; by making filing of the EEO–1 form a prerequisite for a Labor Condition Application; by funding personnel to perform audits and backup checks on H1–B visas.

We do not see the gesture of applying H1–B fees to scholarships and k12 education as significant. Those funds should go to enforcement and streamlining the immigration process, already overwhelmed by current numbers. As written, the scholarships are likely to go to visa holders. The amount needed to bring inner-city schools to current standards for high technology instruction is about $20 billion, the same amount Congress recently spent on so-called ''juvenile justice.'' Instead, we would encourage requirements of direct scholarship and internship assistance by any company filing for such a guest worker to community colleges, area public institutions, HBCUS or OMIs. We would also give a priority for H1–B approvals to companies that meet or exceed local community representation in their workforces as measured by the EEO–1 for underrepresented groups. Right now Congress has made it cheaper to recruit from the Indian Institute of Technology than from North Carolina A&T or Hampton University. While Congress ponders giving $40 million to 110 HBCUs for graduate education, the Indian government has asked for $1 billion from U.S. emigres for just six institutions.

In conclusion, it is untenable for America to spend billions locking up African-American and Latino youth or forcing them to fight overseas wars just to gain skills or an education and then to lock them out of the best-paying jobs. If there is a choice in the 2000 elections, then we would expect you to stand up for those who have traditionally supported you. You have the benefit of history to guide your decision. Don't let Jim crow come back.

Sincerely,

Jacqueline S. Anderson, Vice President Bay Area Chapter, Black Data Processing Associates; Hattie Carwell, President, Northern California Council of Black Professional Engineers; Eric J. Harris, Chair, National Society of Black Engineers-Alumni Extension, Silicon Valley Chapter; Henry Hutchins, President, San Francisco Bay Area Chapter, National Black MBA Association; Kevin Hinkston, President, Bay Area Chapter, Black Data Processing Associates; Dr. Keith Jackson, National Society of Black Physicists; Frederick E. Jordan, P.E. Co-founder, Northern California Council of Black Professional Engineers; Harvey Pye, Human Resources Network of Black Professionals; John William Templeton, Books'n'Bytes: the technology alliance for African-American students.

As I close, I would like to just go back to the fact that I reported when I began, that is, that there was a lengthy discussion in the Committee on Education and the Workforce today. I am proud of the fact that we finally had a discussion which almost lasted 2 hours on school construction, because the general tenor has been that school construction belongs somewhere else and the Committee on Education and the Workforce had surrendered its powers to the Committee on Ways and Means. It was a victory just to have the discussion. We also discussed it because there was an amendment offered to put the President's proposed $1.3 billion into the bill that the majority Republicans have put forth as they complete the Elementary and Secondary Education Act reauthorization.

I see both of those items, the fact that the President even proposed a $1.3 billion amount for school repairs and the fact that we had a discussion as one more piece of evidence that we are winning, those of us who agree with the overwhelming body of American voters out there that it is only common sense to put more money into education, more resources into education; and among those items in the education budget, the school construction component is a vital component. It is a kingpin component.

We are happy to see that we are beginning to win. Slowly we are moving off dead center. I also mentioned a few moments ago that the gentlewoman from Connecticut (Mrs. JOHNSON) has now joined forces with the gentleman from New York (Mr. RANGEL) in the Committee on Ways and Means; so even that bill, as inadequate as it may be, the bill which allows for $25 billion in borrowing authority and the Federal Government will pay the interest, as inadequate as that is, it never had a chance of passage before and with the joining of the gentlewoman from Connecticut with that bill, it becomes a possibility.

We are winning, and I want the message to go out there to all of our allies, all of those millions of people who keep showing up in the polls; and as I said before, the Republicans have the same polls as the Democrats. They are getting the same results. Nobody can hide from the fact that the demand of the American people is that our number

one priority for government assistance be the assistance to education, the improvement of education.

Now, there have been some arguments made, Mr. Speaker, and you are aware of that, that the demand of people for funds for schools in general and more specifically for school construction should be met by the local governments and by the States. One other speaker during our discussion pointed out that the States have unprecedented surpluses and many localities have surpluses and that they should be the ones who provide the resources to invest in education. Those are good arguments.

Nowhere is that truer than it is in New York City and New York State. Two years ago, a little less than 2 years ago, the city of New York had a $2 billion surplus. We have big budgets in the city; but even with those big budgets, the revenue that came in was $2 billion greater than the expenditures. At the same time, the State of New York had a $2 billion surplus. The governor of the State of New York, who is a Republican, and the mayor of the State of New York both refused to spend a single penny on school repairs and school construction. This is in a city where there are 200 schools that still burn coal in their furnaces.

The mayor did not do it. He would not spend any money to relieve the situation of overcrowding, the fact that children have to eat lunch at 10 in the morning because of the fact that they are overcrowded and the lunchroom has to eat in cycles, the mayor did not move to provide any relief for that situation. The members of the city council did not even do what we do here in Congress. Democrats cannot pass anything, but at least we insist that there be a dialogue. The dialogue did not even take place in New York City. The horror of having a $2 billion surplus and not using it was not brought home to the people of New York City, the horror of a governor who vetoed a bill that the legislature passed.

Now, in the State legislature in New York, the Assembly is controlled by the Democrats, the State Senate is controlled by Republicans, so you had a bipartisan bill which would have provided for $500 million, half a billion dollars for emergency school repairs. The Republican governor of New York State vetoed that even though he had a $2 billion surplus.

Across the country, the Nation, you have the same pattern where the needs of the schools for some reason are not being met by local and State officials. I cannot get into the analysis of what is going on because I am not sure I know. What I do know is that a generation of children should not have to suffer because you have Neanderthals out there in the State and city governments, and we give them more and more power at the Federal level all the time.

They cannot see the obvious, that there is a need to invest in education. The Nation has been shortchanged by the States many times. In World War I, in World War II, we found we had young people, young men that we had to send off to war who were unhealthy basically because they had poor health care and had been neglected in terms of basic nutrition. The Federal Government got very much involved in free lunch programs and all kinds of health programs because of the fact that it had to fight a war. The national interest was such that they had to have a population that could meet those requirements. They could not leave it up to the States. The States for some reason with all of their advantages, and they have gloriously served us in many ways, for some reason the States never take care of the people on the bottom.

The States are examples of how democracy goes wrong and the majority overwhelmingly takes care of itself and the rights and the concerns and the welfare of the powerless minority gets neglected. That is the pattern. States have had responsibility for education since the founding of the country. The primary responsibility for education is in the States. The Federal Government has no direct responsibility spelled out in the Constitution and this is often used as a way to keep the Federal role at a very low level, or not there at all. But we have a responsibility for defense and we have a responsibility for the general welfare of the people.

The general welfare is threatened as well as our military defense is threatened by the inadequacy of education at the State level. So we cannot let a generation go down the drain because the States and localities are too stubborn to take action and deal with the problem by appropriating the necessary resources. It is unconscionable; it is a threat to the entire Nation.

There are several of my colleagues, the gentleman from Connecticut (Mr. LARSON), the gentleman from Missouri (Mr. SKELTON), who is our premier expert on defense in the Democratic Caucus, they have recently written a letter to the President saying that we need to take a look at the complex of education and defense and the technology needs and the research and see how it all is inexplicably interwoven. You cannot separate the education effort from the basic research effort, the research effort, technology and the ability of the military to function in this modern world. It is all there together. With a $1.9 trillion surplus, we have the advantage of being able to breathe and take a look at it and place these investments where they should be placed.

I am going to end by switching subjects just a bit, because I have spent most of the time talking about education, but there is another crisis in New York City which has captured the attention of most of my constituents and most of the people of New York. We have had a situation where a police killing, a man named Amadou Diallo, took place more than a year ago, almost 2 years ago now, I guess, and the final verdict set all four policemen who were responsible free. Again, the majority of the people in a poll in New York State showed that they were outraged at the verdict, and you have a lot of activity within the city around this.

On top of this miscarriage of justice, recently another young man was shot to death by police and some unfortunate political moves were made by the mayor, pulling out his records as a 13-year-old and saying he was a troublemaker and implying that he deserved to die because at 13 he had gotten in trouble. He was not convicted at 13; but he had been arrested at 13, and the record showed that. This is a boiling caldron. I have been trying to get people to see, it is very important that these matters with police brutality and police killings always touch off a kind of dynamite reaction on the one hand while the killing of children and the smothering of spirits in the education system that goes on and on year after year is never given much attention. They are related.

I want to just close by saying that I heard that there was a group that met recently, a church packed with young people who decided that the solution of the problem was that they all should buy rifles. I can think of nothing more ridiculous and more dangerous than young people going out to buy rifles to try to solve a problem in the city. There are many more solutions that are to be proposed. I would like to close by saying that, again, education is at the heart of that. Being able to respond in a nonviolent way means you have to have discipline, and you have to have the leaders step forward and offer solutions to that problem in the appropriate way.

THE NATION'S NUMBER ONE HEALTH PROBLEM

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, the number one public health problem facing the country today is the death and morbidity associated with the use of tobacco. Tonight, I want to discuss why the use of tobacco is so harmful, what the tobacco companies have known about the addictiveness of nicotine in tobacco, how tobacco companies have targeted children to get them addicted, what the Food and Drug Administration proposed, the Supreme Court's decision on FDA authority to regulate tobacco, and bipartisan legislation that will be introduced tomorrow in the House to give the Food and Drug Administration authority to regulate the manufacture and marketing of tobacco.

Mr. Speaker, let me repeat. The number one health problem in the Nation today is tobacco use. It is well captured in this editorial cartoon that shows the Grim Reaper, Big Tobacco, with a cigarette in his hand, a consumer on the cigarette, and the title is

''Warning: The Surgeon General Is Right.''

□ 2115

Here is some cold data on this peril. It is undisputed that tobacco use greatly increases one's risk of developing cancer of the lungs, the mouth, the throat, the larynx, the bladder, and other organs. Mr. Speaker, 87 percent of lung cancer deaths and 30 percent of all cancer deaths are attributable to the use of tobacco products. Tobacco use causes heart attacks, strokes, emphysema, peripheral vascular disease, among many others.

Mr. Speaker, more than 400,000 people die prematurely each year from diseases attributable to tobacco use in the United States alone. Tobacco really is the grim reaper.

More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicides, suicides, fires, alcohol and illegal drugs combined. More people in this country die in one year from tobacco than all the soldiers killed in all of the wars this country has fought.

Treatment of these diseases will continue to drain over $800 billion from the Medicare trust fund. The VA spends more than one-half billion dollars annually on in-patient care of smoking-related diseases. But these victims of nicotine addiction are statistics that have faces and names.

Mr. Speaker, before coming to Congress, I practiced as a surgeon. I have held in these hands lungs filled with cancer and seen the effects of decreased lung capacity on those patients. Unfortunately, I have had to tell some of those patients that their lymphnodes had cancer in them and that they did not have very long to live.

As a plastic and general surgeon, I have had to remove patients' cancerous jaws like this surgical specimen, showing a resection of a large portion of a patient's lower jaw. This, Mr. Speaker, is the result of chewing tobacco.

The poor souls who have to have this type of surgery go around like the cartoon character Andy Gump. Many times they breathe from a tracheostomy. I have reconstructed arteries in legs in patients that are closed shut by tobacco and are causing gangrene, and I have had to amputate more than my share of legs that have gone too far for reconstruction.

The other day, Mr. Speaker, I was talking to a vascular surgeon who is a friend of mine back in Des Moines, Iowa. His name is Bob Thompson. He looked pretty tired. I said Bob, you have been working pretty hard. He said Greg, yesterday I went to the operating room at about 7 in the morning, I operated on 3 patients, finished up about midnight, and every one of those patients I had to operate on to save their legs. I said, were they smokers, Bob? He said, you bet. And the last one that I operated on was a 38-year-old woman who would have lost her leg to atherosclerosis related to heavy tobacco use. I said, Bob, what do you tell those people? He said, Greg, I talk to every patient, every peripheral vascular patient that I have and I try to get them to stop smoking. I ask them a question. I say, if there were a drug available on the market that you could buy that would help you save your legs, that would help prevent your having to have coronary artery bypass surgery, that would significantly decrease your chances of having lung cancer or losing your larynx, would you buy that drug? And every one of those patients say, you bet I would buy that drug, and I would spend a lot of money for it. You know what he says to those patients then? He says, well, you know what? You can save an awful lot of money by quitting smoking and it will do exactly the same thing as that magical drug would have done.

Mr. Speaker, my mother and father were both smokers and they are only alive today because coronary artery bypass surgery saved their lives.

I will never forget the thromboangiitis obliterans patients I treated at VA hospitals who were addicted to the tobacco that caused them to thrombose one finger and one toe after another. I remember one patient who had lost both lower legs, all the fingers on his left-hand, and all the fingers on his right hand, except his index finger. Why? Because the tobacco caused those little blood vessels to clot shut. This patient, even though he knew that if he stopped smoking, it would stop his disease, he had devised a little wire cigarette holder with a loop on it to fit around his one remaining finger so that he could smoke.

Statistics do show the magnitude of this problem. Over a recent 8-year period, tobacco use by children increased 30 percent. More than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds a child in the United States becomes a regular smoker. In addition, more than 1 million high school boys use smokeless chewing tobacco, primarily as a result of advertising, focusing on flavored brands and youth-oriented themes. For heaven's sakes, Mr. Speaker, we got rid of the tobacco spittoons in this place a long time ago, and we now have 1 million kids working on developing the type of cancer that would result in surgical resection of half of their jaw.

The sad fact is, Mr. Speaker, that each day, 3,000 kids start smoking, many of them not even teenagers, younger than teenagers, and 1,000 out of those 3,000 kids will have their lives shortened because of tobacco. So why did it take a life-threatening heart attack to get my parents to quit smoking? I nagged on them all the time, but it took a near death experience to get them to quit. Why would not my patient with one finger, the only finger he had left, quit smoking? Why do fewer than one in 7 adolescents quit smoking, even though 70 percent regret starting.

I say to my colleagues, it is sadly because of the addictive properties of the drug nicotine in tobacco. The addictiveness of nicotine has become public knowledge, public knowledge only in recent years as a result of painstaking scientific research that demonstrates that nicotine is similar to amphetamines, nicotine is similar to cocaine, nicotine is similar to morphine in causing compulsive drug-seeking behavior. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin. But recent tobacco industry deliberations show that the tobacco industry had longstanding knowledge of nicotine's affects. It is clear that tobacco company executives committed perjury before the Committee on Commerce just a few years ago when they raised their right hands, they took an oath to tell the truth, and then they denied that tobacco and nicotine was addicting.

Internal tobacco company documents dating back to the early 1960s show that the tobacco companies knew of the addicting nature of nicotine, but withheld those studies from the Surgeon General. A 1978 Brown & Williamson memo stated, ''Very few customers are aware of the effects of nicotine; i.e., its addictive nature, and that nicotine is a poison.'' A 1983 Brown & Williamson memo stated, ''Nicotine is the addicting agent in cigarettes.''

Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction, and a 1980 Lorilard document summarized the goals of an internal task force whose purpose was not to avert addiction, but to maintain addiction. Quote: ''Determine the minimal level of nicotine that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiologic satisfaction cannot be compensated for by psychologic satisfaction. At that point, smokers will quit or return to higher tar and nicotine brands.''

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of ''free base'' nicotine delivered to smokers. As a naturally occurring base, and I have to say, Mr. Speaker, that this takes me back to my medical school biochemistry, nicotine favors the salt form at low pH levels, and the ''free base'' form at higher pHs.

So what does that mean? Well, the free base nicotine crosses the alveoli of the lungs faster than the bound form, thus giving the smoker a greater kick, just like the druggie who free bases cocaine, and the tobacco companies knew that very well. A 1966 British American tobacco report noted, ''It would appear that the increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous

with, but similar to free-base nicotine, may be either because this nicotine reaches the brain in a different chemical form, or because it reaches the brain more quickly.''

Tobacco industry scientists were well aware of the effect of pH on the speed of absorption and on the physiologic response. A 1973, 1973 R.J. Reynolds report stated, ''Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke at a high pH seems to be strong in nicotine.''

□ 2130

Therefore, the amount of free nicotine in the smoke may be used for at least a partial measure of the physiologic strength of the cigarette.''

Indeed, Mr. Speaker, Phillip Morris commenced the use of ammonia in their Marlboro brand in the mid 1960s in order to raise the pH of its cigarettes, and it subsequently emerged as the leading national brand.

By reverse engineering, other manufacturers caught onto Phillip Morris' nicotine manipulation. And they copied it. The tobacco industry hid the fact that nicotine was an addicting drug for a long time, even though they privately called cigarettes ''nicotine delivery devices.''

Claude E. Teague, Junior, assistant director of research at RJR, said in a 1972 RJR memo, ''In a sense, the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine designed to deliver the nicotine in a generally acceptable and attractive form. Our industry is then based upon the design, manufacture, and sale of attractive forms of nicotine.''

A 1972 Phillip Morris document summarized an industry conference attended by 25 tobacco scientists from England, Canada, and the United States: ''The majority of conferees would accept the proposition that nicotine is the active constituent of tobacco smoke. The cigarette should be conceived not as a product, but as a package.'' Then they said, ''The product is nicotine.''

Mr. Speaker, does anyone believe that the tobacco CEOs who testified before Congress that tobacco was not addicting were telling the truth?

Mr. Speaker, most adult smokers start smoking before the age of 18. This political cartoon shows big tobacco over here lighting up one cigarette from the other, and one cigarette says, ''Victims'' and the other cigarette that is about ready to start is ''Kids.'' The title of the cartoon: ''Chain smoker.''

As I said, Mr. Speaker, most adult smokers start smoking before the age of 18. That has been known by the tobacco industry and its marketing divisions for decades. A report to the board of directors of RJR on September 30, 1974, entitled ''1975 Marketing Plans Presentation, Hilton Head, September 30, 1974,'' said that one of the key opportunities to accomplish the goal of reestablishing RJR's market share was to ''increase our young adult franchise. First, let's look at the growing importance of this young adult group in the cigarette market. In 1960, this young adult market,'' and this is the clincher, what did they call the young adult market, young adult? The 14 to 24 age group.

They say, ''This represented 21 percent of our population. They will represent 27 percent of the population in 1975, and they represent tomorrow's cigarette business.''

An adult, Mr. Speaker? They are 14-year-olds, pretty young adults. In a 1980 RJR document entitled ''MDD Report on Teenager Smokers Ages 14 Through 17,'' a future RJR CEO G.H. Long wrote to the CEO at that time, E.A. Horrigan, Junior.

In that document, Long laments the loss of market share of 14-to-17-year-old smokers to Marlboro, and says, ''Hopefully, our various planned activities that will be implemented this fall will aid in some way in reducing or correcting those trends.'' The trends were they were losing market share in the 14-to-17-year-old age group.

Mr. Speaker, the industry has indisputably focused on ways to get children to smoke: in surveys for Phillip Morris in 1974 in which children 14 or younger were interviewed about their smoking behavior; or how about the Phillip Morris document which bragged, ''Marlborough dominates in the 17 and younger category, capturing over 50 percent of this market.''

Mr. Speaker, when Joe Camel is associated with cigarettes by 30 percent of 3-year-olds and nearly 90 percent of 5-year-olds, we know that marketing efforts directed at children are very successful.

Here is another political cartoon. We have a billboard. It says, ''Joe Camel says, cancer is cool.'' We have an antismoking advocate saying, ''Huh, not exactly the honest disclosure we were hoping for.''

Mr. Speaker, children that begin smoking at age 15 have twice the incidence of lung cancer as those who start smoking at the age of 25. For those youngsters who start at such an early age and have twice the incidence of cancer, for them Joe Cool becomes Joe Chemo, pulling around his bottle of chemotherapy.

If that is not enough, it should not be overlooked that nicotine is an introductory drug, as smokers are 15 times more likely to become an alcoholic, to become addicted to hard drugs, or to develop a problem with gambling.

Mr. Speaker, in response to this, the Food and Drug Administration in August of 1996 issued regulations aimed at reducing smoking in children on the basis that nicotine is addicting, it is a drug, manufacturers have marketed that drug to children, and tobacco is deadly. Most people by now are familiar with those regulations. They received a lot of press at the time. It is hard to think, Mr. Speaker, that 4 years have gone by since those regulations came out.

Those regulations said, tobacco companies would be restricted from advertising aimed at children, that retailers would need to do a better job of making sure they were not selling cigarettes to children, that the FDA would oversee tobacco companies' manipulation of nicotine.

But the tobacco companies challenged those regulations, and they ended up taking it all the way to the Supreme Court. Just 2 weeks ago, Justice Sandra Day O'Connor, in writing for the majority, five to four, held that Congress had not granted the FDA authority to regulate tobacco.

However, her closing sentences in that opinion bear reading: ''By no means do we,'' and this is the Supreme Court, ''question the seriousness of the problem that the FDA has sought to address. The agency has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the most significant threat to public health in the United States.''

Justice O'Connor is practically begging Congress to grant the FDA authority to regulate tobacco. Therefore, Mr. Speaker, tomorrow the gentleman from Michigan (Mr. DINGELL) and I will introduce our bipartisan bill The FDA Tobacco Authorities Amendment Act. I call on my colleagues from both sides of the aisle to cosponsor this bill and join us for a press conference on the Triangle at noon.

Our bill simply says that FDA has authority to regulate tobacco, that the 1996 tobacco regulations will be law. This is not a tax bill. This is not a liability bill. This is not a prohibition bill. This has nothing to do with the tobacco settlement from the attorneys general.

This bill simply recognizes the facts: tobacco and nicotine are addicting. Tobacco kills over 400,000 people in this country each year. Tobacco companies have and are targeting children to make them addicted to smoking. The FDA should have congressional authority to regulate this drug and those delivery devices.

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:)

Mr. PALLONE, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. BARCIA, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, April 12.

Mr. METCALF, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, April 6.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, April 6, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6949. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Amendments to Regulations Governing the Peanut Quota and Price Support Programs (RIN: 0560–AF61) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6950. A letter from the Congressional Review, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pink Bollworm Regulated Areas [Docket No. 00–009–1] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6951. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of General Mitchell Air Reserve Base (ARB), Wisconsin has conducted a cost comparison of the Base Operating Support functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6952. A letter from the Secretary, Department of Housing and Urban Development, transmitting reports required by section 520 (a) and (b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997; to the Committee on Banking and Financial Services.

6953. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

6954. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimates For Pay-As-You-Go Calculations; to the Committee on the Budget.

6955. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA–2000–6940] (RIN: 2127–AG66) received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6956. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste [SW–FRL–6541–1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6957. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Producation [FRL–6513–8] (RIN: 2060–AE77) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6958. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mitchell, Nebraska) [MM Docket No. 99–164 RM–9598] (Lovelock, Nevada) [MM Docket No. 99–165 RM–9599] (Elko, Nevada) [MM Docket No. 99–166 RM–9600] received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6959. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection and Competition Act of 1992 [CS Docket No. 98–82] Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 [CS Docket No. 96–85] Review of the Commission's Cable Attribution Rules—received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6960. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101–246, section 804(b) (104 Stat. 78); to the Committee on International Relations.

6961. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6962. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–512, ''Sense of the Council Opposition to the Attorney General of the United States Seeking in the Death Penality for Crimes Committed in the District of Columbia Emergency Resolution of 2000'' received April 5, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6963. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Competing for Federal Jobs: Job Search Experience of New Hires,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

6964. A letter from the Chairman, Merit Systems Protection Board, transmitting the Twenty-first Annual Report on the activities of the Board during Fiscal Year 1999, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform.

6965. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the calendar year 1999 report on contractual actions to facilitate the national defense, pursuant to 50 U.S.C. 1431; to the Committee on Government Reform.

6966. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Delisting of the Dismal Swamp Southeastern Shrew (Sorex longirostris fisheri) (RIN: 1018–AF00) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6967. A letter from the Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 16A; OMB Control Numbers [Docket No. 981229328–9249–02; I.D. 120998C] (RIN: 0648–AK31) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6968. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 021400D] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6969. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Final 2000 Harvest Specifications for Groundfish [Docket No. 000211039–0039–01; I.D. 111899A] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6970. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the Annual Report of the Marshal of the Supreme Court; to the Committee on the Judiciary.

6971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Leonardtown, MD [Airspace Docket No. 99–AEA–13.FR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fredericktown, MO [Airspace Docket No. 99–ACE–47] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshalltown, IA [Airspace Docket No. 99–ACE–52] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Okeechobee, FL [Airspace Docket No. 99–ASO–21] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29928;

Amdt. No. 1977] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6976. A letter from the Program Anaalyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29927; Amdt. No. 1976] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6977. A letter from the Secretary of Health and Human Services, transmitting notification of emergency funds made available under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)); jointly to the Committees on Commerce and Education and the Workforce.

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. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 1776. A bill to expand homeownership in the United States (Rept. 106–553 Pt. 2).

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 460. Resolution providing for consideration of the bill (H.R. 1776) to expand homeownership in the United States (Rept. 106–562). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3615. Referral to the Committee on Commerce extended for a period ending not later than April 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOYER:

H.R. 4180. A bill to authorize the Librarian of Congress to establish certain programs and activities of the Library of Congress as programs to be administered through a revolving fund, and for other purposes; to the Committee on House Administration.

By Mr. TURNER (for himself, Mr. HORN, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. OWENS, Mrs. BIGGERT, Mrs. MALONEY of New York, Mr. WALDEN of Oregon, Mr. DAVIS of Virginia, Mr. OSE, Mr. TANNER, Mr. DOGGETT, Mr. MATSUI, Mr. SHAYS, Mr. MICA, Mr. STENHOLM, Mrs. MORELLA, Mr. THORNBERRY, Mr. GREEN of Texas, Mr. WAMP, Mr. BENTSEN, Mr. HUTCHINSON, Mr. LAMPSON, Mr. BACHUS, Mr. TIERNEY, Mr. PITTS, Mr. HALL of Texas, and Mr. GILMAN):

H.R. 4181. A bill to amend title 31, United States Code, to prohibit delinquent Federal debtors from being eligible to enter into Federal contracts, and for other purposes; to the Committee on Government Reform, 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. CUNNINGHAM (for himself, Mr. BALLENGER, Mr. KUYKENDALL, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. ROEMER, Mr. DOOLEY of California, Ms. ESHOO, Mr. KIND, Mr. OSE, Mr. HOEKSTRA, Mr. ADERHOLT, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. ARMEY, Mr. EHRLICH, Mr. BLUNT, Mr. GOODLING, Mr. BOEHNER, and Mr. TANCREDO):

H.R. 4182. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act; to the Committee on Education and the Workforce.

By Mr. WU (for himself, Mrs. MORELLA, Mr. HOLT, Mr. LAZIO, Mr. LARSON, Mr. DOOLEY of California, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. ETHERIDGE, Mr. CROWLEY, Mr. KIND, Mr. TIERNEY, Mr. KILDEE, Mr. ANDREWS, and Mr. ROEMER):

H.R. 4183. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program for awarding next-generation technology grants to improve teaching and learning in elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COX (for himself, Mr. DREIER, Mr. DAVIS of Virginia, and Mr. SAM JOHNSON of Texas):

H.R. 4184. A bill to amend the Internal Revenue Code of 1986 to implement the recommendation of the National Taxpayer Advocate that the depreciable life of computer software correspond to its actual useful life; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4185. A bill to direct the Secretary of the Army to establish a program to market dredged material; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 4186. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. CALVERT (for himself, Mrs. BONO, Mrs. NAPOLITANO, Mr. HUNTER, Mr. BACA, Mr. LEWIS of California, Mr. GARY MILLER of California, and Mr. PACKARD):

H.R. 4187. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Resources.

By Mr. COLLINS:

H.R. 4188. A bill to amend title 13, United States Code, to provide that the penalty for refusing or neglecting to answer one or more of the questions on a decennial census schedule shall not apply, so long as all of the short-form questions on such schedule have been answered; to the Committee on Government Reform.

By Mr. DEFAZIO:

H.R. 4189. A bill to direct the Secretary of Transportation to carry out a vessel scapping and processing pilot program in the United States; to the Committee on Transportation and Infrastructure.

By Mr. HILLEARY:

H.R. 4190. A bill to amend title 23, United States Code, relating to the Federal share for reconstruction of a road and causeway in Shiloh Military Park in Hardin County, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. BARCIA, Mr. EHLERS, Mr. UPTON, Mr. SMITH of Michigan, and Mr. CAMP):

H.R. 4191. A bill to require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, including sterilization, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. NEAL of Massachusetts, and Mr. MATSUI):

H.R. 4192. A bill to amend the Internal Revenue Code of 1986 to prevent the use of reinsurance with foreign persons to enable domestic nonlife insurance companies to evade United States income taxation; to the Committee on Ways and Means.

By Mr. ROGAN:

H.R. 4193. A bill to provide double damages for malicious, frivolous, or vexatious suits against Federal law enforcement officers surviving widows and widowers; to the Committee on the Judiciary.

By Mr. ROGAN (for himself, Mr. DELAHUNT, and Mr. HYDE):

H.R. 4194. A bill to amend section 7A of the Clayton Act to remove the notification requirement applicable to acquisitions of voting securities and assets that have relatively small value; to modify filing fees applicable to notifications filed under such section, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHAFFER:

H.R. 4195. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, 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. SIMPSON (for himself, Mr. GIBBONS, Mr. WALDEN of Oregon, Mrs. CHENOWETH-HAGE, and Mr. SCHAFFER):

H.R. 4196. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 4197. A bill to authorize the Secretary of Transportation to make a grant to the Traverse City Area Public School District for demolition and removal of a structure at former Coast Guard property located in Traverse City, Michigan; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mr. PALLONE, Mr. LUTHER, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, Mr. PASTOR, Mr. TOWNS, and Mr. WEXLER):

H. Con. Res. 298. Concurrent resolution congratulating the people and Government of Sri Lanka on the success of the recent Presidential election despite terrorist attacks, and for other purposes; to the Committee on International Relations.

By Mr. WATKINS (for himself and Mr. DELAHUNT):

H. Con. Res. 299. Concurrent resolution recognizing fragile X as the most common inherited cause of mental retardation and as a powerful research model for other disorders, urging increased funding for research, and for other purposes; to the Committee on Commerce.

By Mr. FILNER (for himself, Mr. PORTER, Mr. PALLONE, Ms. ESHOO, Mr. BONIOR, Mr. WOLF, and Mr. SMITH of New Jersey):

H. Res. 461. A resolution calling for the immediate and unconditional release from prison of certain Kurdish members of the Parliament of the Republic of Turkey and for the prompt recognition by the Government of the Republic of Turkey of full cultural and language rights for the Kurdish people within its borders; to the Committee on International Relations.

By Mr. GREEN of Wisconsin (for himself, Mr. SHAYS, Mr. MEEHAN, Mr. CAPUANO, Mr. NADLER, Mrs. MORELLA, Mr. BERMAN, Mr. DOGGETT, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. METCALF, Mr. EVANS, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. GANSKE, Ms. HOOLEY of Oregon, Mr. LUTHER, and Mr. BURTON of Indiana):

H. Res. 462. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. COBURN, Mr. DEMINT, Mr. PAUL, and Mrs. CHENOWETH-HAGE):

H. Res. 463. A resolution expressing the disapproval of the House of Representatives regarding Presidential circumvention of the legislative authority of the Congress to set public policy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. NETHERCUTT and Mr. MCHUGH.
H.R. 329: Mr. SHIMKUS.
H.R. 355: Mr. CRAMER.
H.R. 492: Mr. GREENWOOD.
H.R. 583: Mr. CRAMER.
H.R. 810: Mr. MASCARA.
H.R. 828: Mr. FROST.
H.R. 912: Mr. ANDREWS.
H.R. 1020: Mr. ROHRABACHER and Mr. CLYBURN.
H.R. 1044: Mr. MCINNIS and Mr. HOEKSTRA.
H.R. 1071: Mr. CONDIT.
H.R. 1216: Ms. SLAUGHTER.
H.R. 1271: Mr. MOORE, Mr. ENGEL, and Mr. MINGE.
H.R. 1366: Mr. PAUL, Mrs. CHENOWETH-HAGE, Mr. DOOLITTLE, and Mr. BRADY of Texas.
H.R. 1371: Mr. OWENS.
H.R. 1445: Mr. SNYDER.
H.R. 1523: Mr. SKEEN, Mr. STUMP, Mr. RYUN of Kansas, Mrs. EMERSON, Mr. THUNE, and Mr. BARTLETT of Maryland.
H.R. 1577: Mr. ISAKSON.
H.R. 1623: Mr. BECERRA.
H.R. 1625: Mr. TURNER and Mr. UDALL of Colorado.
H.R. 1704: Mr. ANDREWS.
H.R. 1798: Ms. DEGETTE.
H.R. 2077: Mr. GEORGE MILLER of California and Ms. LEE.
H.R. 2141: Mr. ANDREWS.
H.R. 2149: Mr. UDALL of New Mexico and Mr. SAWYER.
H.R. 2265: Ms. HOOLEY of Oregon.
H.R. 2289: Mr. DEUTSCH.
H.R. 2494: Mr. HILLEARY.
H.R. 2579: Mr. TRAFICANT.
H.R. 2631: Mr. DIXON, Mr. JACKSON of Illinois, Ms. DANNER, Mr. QUINN, Mr. COOK, Mr. ANDREWS, Ms. LEE, and Mr. ALLEN.
H.R. 2720: Ms. LOFGREN, Mr. FROST, and Mr. MCDERMOTT.
H.R. 2736: Mr. BROWN of Ohio, Mr. MEEHAN, Mr. FARR of California, Mr. DOOLEY of California, Ms. HOOLEY of Oregon, Ms. SANCHEZ, Mrs. TUSCHER, Mr. REYES, Ms. STABENOW, Mr. BLUMENAUER, Mr. MORAN of Virginia, Ms. BROWN of Florida, and Mr. HOYER.
H.R. 2892: Mr. NUSSLE.
H.R. 2899: Mr. OLVER and Mr. LANTOS.
H.R. 2900: Mr. SERRANO, Mr. MOAKLEY, Mr. EVANS, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. RUSH, Mr. MATSUI, and Ms. NORTON.
H.R. 2917: Mr. ENGEL.
H.R. 3100: Mr. GANSKE, Mr. LUCAS of Kentucky, Mr. MEEKS of New York, and Mr. BRADY of Pennsylvania.
H.R. 3177: Mr. BONIOR.
H.R. 3192: Mr. RAMSTAD, Mr. THOMPSON of Mississippi, Mr. ENGEL, Mr. MATSUI, Mr. STARK, Mr. GREEN of Texas, and Mr. ABERCROMBIE.
H.R. 3193: Mr. PALLONE, Mr. TANCREDO, Mr. MCINTYRE, Mr. ANDREWS, and Mr. WALSH.
H.R. 3212: Mr. HALL of Texas.
H.R. 3235: Mr. CAMPBELL and Mr. WEYGAND.
H.R. 3306: Mrs. CHENOWETH-HAGE.
H.R. 3485: Mr. SESSIONS and Mrs. MEEK of Florida.
H.R. 3489: Mr. STEARNS.
H.R. 3494: Ms. SCHAKOWSKY.
H.R. 3545: Mr. GEJDENSON and Mr. WAXMAN.
H.R. 3573: Mr. CUMMINGS and Ms. LEE.
H.R. 3575: Ms. DELAURO.
H.R. 3582: Mrs. BIGGERT and Mr. TURNER.
H.R. 3590: Mr. GOODE.
H.R. 3613: Ms. DEGETTE, Mrs. CAPPS, and Ms. SCHAKOWSKY.
H.R. 3625: Mr. KINGSTON, Mr. HERGER, Mr. OSE, and Mr. BAKER.
H.R. 3634: Mr. CONYERS, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. CAPPS.
H.R. 3650: Mr. FARR of California, Mr. SANDERS, Mr. MATSUI, and Mr. SABO.
H.R. 3656: Mr. UDALL of Colorado and Mr. TALENT.
H.R. 3673: Mr. COX. Mr. DREIER, Mr. STUPAK, Mr. GOSS, Mr. SPENCE, Mr. HYDE, and Mr. BURTON of Indiana.
H.R. 3698: Mr. FLETCHER, Mr. LATOURETTE, Mr. BRYANT, Mr. RANDANOVICH, Mr. FARR of California, Mr. UPTON, Mr. MCKEON, Mr. BENTSEN, and Mr. SHAYS.
H.R. 3705: Mr. UDALL of Colorado, Ms. CARSON, Ms. HOOLEY of Oregon, and Ms. MCKINNEY.
H.R. 3710: Ms. KILPATRICK, Ms. BERKLEY, and Ms. LEE.
H.R. 3798: Ms. BALDWIN.
H.R. 3806: Mr. ROHRABACHER and Mr. UNDERWOOD.
H.R. 3819: Mr. UDALL of Colorado, Mr. BOUCHER, Mr. EHLERS, Mr. GUTIERREZ, and Mr. COOK.
H.R. 3825: Mr. JEFFERSON.
H.R. 3826: Mr. WAXMAN.
H.R. 3873: Ms. ROYBAL-ALLARD, Mr. BALDACCI, and Mr. EVANS.
H.R. 3884: Mr. WISE and Mr. OWENS.
H.R. 3885: Mr. CLAY, Mr. MASCARA, Mr. PETERSON of Pennsylvania, Mr. STARK, Mrs. BIGGERT, and Mr. MURTHA.
H.R. 3891: Mr. PAYNE.
H.R. 3916: Mr. HERGER and Mr. DEAL of Georgia.
H.R. 3983: Mrs. TAUSCHER and Mr. CRAMER.
H.R. 3998: Mr. STUPAK.
H.R. 4025: Mr. EWING.
H.R. 4029: Mr. LARSON and Mrs. KELLY.
H.R. 4033: Mr. BATEMAN, Ms. PELOSI, Mr. UDALL of New Mexico, Mrs. KELLY, Mrs. FOWLER, and Mr. PHELPS.
H.R. 4040: Mr. KASICH, Mr. FROST, and Ms. DANNER.
H.R. 4049: Mr. TURNER.
H.R. 4051: Mr. YOUNG of Alaska.
H.R. 4066: Ms. PELOSI, Ms. RIVERS, and Mr. OWENS.
H.R. 4069: Mr. STARK, Mr. RYAN of Wisconsin, Ms. LOFGREN, and Mr. EVANS.
H.R. 4082: Mr. BARCIA, Mr. SKELTON, Mr. WICKER, Mr. LARGENT, and Mr. COBURN.
H.R. 4085: Mr. BARR of Georgia.
H.R. 4102: Mr. DELAY.
H.R. 4108: Mr. HASTINGS of Florida, Mr. TRAFICANT, and Mr. GREEN of Texas.
H.R. 4154: Mr. BARTON of Texas.
H. Con. Res. 115: Mr. BACA.
H. Con. Res. 251: Mr. BEREUTER, Mr. ROHRABACHER, Mr. OBERSTAR, Mr. DOOLITTLE, Mr. KUCINICH, Ms. STABENOW, Mr. SENSENBRENNER, Mr. BARRETT of Wisconsin, Mr. KLECZKA, and Mr. LIPINSKI.
H. Con. Res. 259: Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. MATSUI, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN.
H. Con. Res. 262: Mr. WU.
H. Con. Res. 275: Ms. DANNER and Mr. GEJDENSON.
H. Con. Res. 276: Mr. GUTIERREZ.
H. Con. Res. 297: Mr. MCNULTY, Mr. BLAGOJEVICH, and Mr. ROHRABACHER.
H. Res. 398: Mr. PALLONE, Mr. CROWLEY, Mr. HOLT, Mr. HORN, Ms. ESHOO, Mr. FORBES, Mr. ROGAN, Mr. MCGOVERN, Mr. BILIRAKIS, Mr. KENNEDY of Rhode Island, Mrs. TAUSCHER, Mr. TIERNEY, Mr. CAPUANO, Mr. KILDEE, Mr. FRANKS of New Jersey, Mr. MCNULTY, Mr. ROTHMAN, Mr. KLECZKA, Mr. ANDREWS, Mr. HOYER, Mr. WEINER, Mr. STARK, Mr. WAXMAN, Mr. MARTINEZ, Mr. MENENDEZ, Mr. DINGELL, Mrs. KELLY, Mr. SAXTON, Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. SOUDER, Mr. BROWN of Ohio, Mrs. MORELLA, Mr. COSTELLO, Mr. ROYCE, and Mr. LIPINSKI.
H. Res. 414: Mr. WEXLER, Mr. BACA, Mr. FRANK of Massachusetts, Ms. HOOLEY of Oregon, and Mr. FROST.
H. Res. 415: Mr. ROMERO-BARCELO.
H. Res. 420: Mr. OLVER.
H. Res. 437: Mr. MOAKLEY and Mrs. FOWLER.
H. Res. 458: Mr. VITTER, Mr. JOHN, Mr. KASICH, Mr. MORAN of Virginia, and Mr. FROST.

DELETIONS 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. 4011: Mr. FRELINGHUYSEN.