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FEDERAL TRADEMARK DILUTION ACT OF 1995

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1295) to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks, as amended.

The Clerk read as follows:

H.R. 1295

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 ''Federal Trademark Dilution Act of 1995''.

SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this Act, the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 and following), shall be referred to as the ''Trademark Act of 1946''.

SEC. 3. REMEDIES FOR DILUTION OF FAMOUS MARKS.

(a) REMEDIES.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by adding at the end the following new subsection:

''(c)(1) The owner of a famous mark shall be entitled, subject to the principles of equity and upon such terms as the court deems reasonable, to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is distinctive and famous, a court may consider factors such as, but not limited to—

''(A) the degree of inherent or acquired distinctiveness of the mark;

''(B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;

''(C) the duration and extent of advertising and publicity of the mark;

''(D) the geographical extent of the trading area in which the mark is used;

''(E) the channels of trade for the goods or services with which the mark is used;

''(F) the degree of recognition of the mark in the trading areas and channels of trade used by the marks' owner and the person against whom the injunction is sought;

''(G) the nature and extent of use of the same or similar marks by third parties; and

''(H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

''(2) In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief unless the person against whom the injunction is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If such willful intent is proven, the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

''(3) The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.

''(4) The following shall not be actionable under this section:

''(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

''(B) Noncommercial use of a mark.

''(C) All forms of news reporting and news commentary.''.

(b) CONFORMING AMENDMENT.—The heading for title VIII of the Trademark Act of 1946 is amended by striking ''AND FALSE DESCRIPTIONS'' and inserting '', FALSE DESCRIPTIONS, AND DILUTION''.

SEC. 4. DEFINITION.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the paragraph defining when a mark shall be deemed to be ''abandoned'' the following:

''The term 'dilution' means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of—

''(1) competition between the owner of the famous mark and other parties, or

''(2) likelihood of confusion, mistake, or deception.''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

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

Mr. Speaker, I rise in support of H.R. 1295, the Federal Trademark Dilution Act of 1995 and I would like to commend the gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member of the Subcommittee on Courts and Intellectual Property for all of her hard work on this issue.

Mr. Speaker, this bill is designed to protect famous trademarks from subsequent uses that blur the distinctiveness of the mark or tarnish or disparage it, even in the absence of a likelihood of confusion. Thus, for example, the use of DuPont shoes, Buick aspirin, and Kodak pianos would be actionable under this bill.

The concept of dilution dates as far back as 1927, when the Harvard Law Review published an article by Frank I. Schecter in which it was argued that coined or unique trademarks should be protected from the ''gradual whittling away of dispersion of the identity and hold upon the public mind'' of the mark by its use on noncompeting goods. Today, approximately 25 States have laws that prohibit trademark dilution.

A Federal trademark dilution statute is necessary, because famous marks ordinarily are used on a nationwide basis

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and dilution protection is only available on a patch-quilt system of protection. Further, some courts are reluctant to grant nationwide injunctions for violation of State law where half of the States have no dilution law. Protection for famous marks should not depend on whether the forum where suit is filed has a dilution statute. This simply encourages forum-shopping and increases the amount of litigation.

H.R. 1295 would amend section 43 of the Trademark Act to add a new subsection (c) to provide protection against another's commercial use of a famous mark which result in dilution of such mark. The bill defines the term ''dilution'' to mean ''the lessening of the capacity of registrant's mark to identify and distinguish goods or services of the presence or absence of (a) competition between the parties, or (b) likelihood of confusion, mistake, or deception.''

The proposal adequately addresses legitimate first amendment concerns espoused by the broadcasting industry and the media. The bill would not prohibit or threaten noncommercial expression, such as parody, satire, editorial, and other forms of expression that are not a part of a commercial transaction. The bill includes specific language exempting from liability the ''fair use'' of a mark in the context of comparative commercial advertising or promotion and all forms of news reporting and news commentary.

The legislation sets forth a number of specific criteria in determining whether a mark has acquired the level of distinctiveness to be considered famous. These criteria include: First, the degree of inherent or acquired distinctiveness of the mark; second, the duration and extent of the use of the mark; and third, the geographical extent of the trading area in which the mark is used.

With respect to remedies, the bill limits the relief a court could award to an injunction unless the wrongdoer willfully intended to trade on the trademark owner's reputation or to cause dilution, in which case other remedies under the Trademark Act become available. The ownership of a valid Federal registration would act as a complete bar to a dilution action brought under State law.

Mr. Speaker, H.R. 1295 is strongly supported by the U.S. Patent and Trademark Office, the International Trademark Association; the American Bar Association; Time Warner; the Campbell Soup Co.; the Samsonite Corp., and many other U.S. companies, small businesses, and individuals. It is solid legislation and I urge its passage.

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

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

Mr. Speaker, I am pleased to join the Intellectual Property Subcommittee chairman, the gentleman from California, in support of H.R. 1295, the Trademark Dilution Act. In particular, I am pleased that the bill before us today includes an amendment I offered in subcommittee to extend the Federal remedy against trademark dilution to unregistered as well as registered famous marks.

At our hearing on H.R. 1295, the administration made a compelling case that limiting the Federal remedy against trademark dilution to those famous marks that are registered is not within the spirit of the United States position as a leader setting the standards for strong worldwide protection of intellectual property. Such a limitation would undercut the United States' position with our trading partners, which is that famous marks should be protected regardless of whether the marks are registered in the country where protection is sought.

In all of our work this year, the Intellectual Property Subcommittee has been strongly committed to making sure that the United States is a leader in setting high standards worldwide for the protection of intellectual property. This bill is fully within that tradition, and will strengthen our hand in our negotiations with our trading partners.

It is also important to recognize, as the Patent and Trademark Office pointed out in its testimony, that existing precedent does not distinguish between registered and unregistered marks in determining whether a mark is entitled to protection as a famous mark. To the extent that dilution has been a remedy available to the owner of a trademark or service mark in the United States under State statutes and the common law, that remedy has not been limited only to registered marks. So it really doesn't make any sense, if we are going to create a Federal statute on trademark dilution, to limit the remedy to registered marks.

For these reasons, I am happy that the bill before us today includes a strong Federal remedy for trademark dilution, not only with respect to registered marks, but also with respect to unregistered famous marks. I urge my colleagues to support this bill.

Mr. Speaker, I have no further speakers on this bill, so I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion of the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1295, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ENHANCING FAIRNESS IN COMPENSATING OWNERS OF PATENTS USED BY THE UNITED STATES

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States, as amended.

The Clerk read as follows:

H.R. 632

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

SECTION 1. JUST COMPENSATION.

(a) AMENDMENT.—Section 1498(a) of title 28, United States Code, is amended by adding at the end of the first paragraph the following: ''Reasonable and entire compensation shall include the owner's reasonable costs, including reasonable fees for expert witnesses and attorneys, in pursuing the action if the owner is an independent inventor, a nonprofit organization, or an entity that had no more than 500 employees at any time during the 5-year period preceding the use or manufacture of the patented invention by or for the United States. Reasonable and entire compensation described in the preceding sentence shall not be paid from amounts available under section 1304 of title 31, but shall be payable subject to such extent or in such amounts as are provided in annual appropriations Acts.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions under section 1498(a) of title 28, United States Code, that are pending on, or brought on or after, January 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

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

Mr. Speaker, I rise in support of H.R. 632, a bill to enhance fairness in compensating owners of patents used by the United States. I ask unanimous consent to revise and extend my remarks and yield myself as much time as I may consume. An amended version of this bill is presented for passage under suspension of the rules. The amendment to the reported bill reflects technical changes which conform to suggestions given after consideration of the bill by the Committee on the Budget.

I would like to thank the ranking member of the Subcommittee on Courts and Intellectual Property, the gentlewoman from Colorado [Mrs. SCHROEDER], for her efforts in bringing this bill before the subcommittee and for her work on the important issue of

attorney's fees in patent cases brought against the United States. I would also like to thank the gentleman from Texas [Mr. FROST] for introducing this bill. It was brought to light by one of his constituents, Standard Manufacturing Co. His and Mrs. SCHROEDER's willingness to work on a bipartisan basis to bring this bill to the floor has resulted in a careful and narrow bill specifically addressing the problem at hand. So I congratulate the gentleman from Texas [Mr. FROST] and gentlewoman from Colorado [Mrs. SCHROEDER] for their effort and cooperation.

H.R. 632 is an effort to help small businesses recover some of the legal costs associated with defending their patents when the Federal Government takes and uses them, since small businesses many times cannot afford expensive legal defense fees associated with defending their patents against Government expropriation. The bill applies to patent owners who are independent inventors, nonprofit organizations, or entities with less than 500 employees.

As the law stands, damages do not include attorney's fees and costs. H.R. 632 is a fee-shifting statute that will reimburse a plaintiff's reasonable cost of bringing suit when the Government takes its patent. Congress has already provided for fee-shifting in other property takings cases. This bill extends that concept to patent cases, where a plaintiff's intellectual property has been taken.

This bill is consistent with the legal reform provisions of the Contract With America by extending the loser pays rule to cases where a patent owner is forced to litigate to recover for the infringement of his or her patent. It complements legislation I introduced, H.R. 988, which passed the House last spring, in extending the rule of fairness to cases where the Government is held liable. An identical bill, S. 880, has been introduced in the Senate by Senator KAY BAILEY HUTCHISON.

I urge my colleagues to vote in favor of this bipartisan bill.

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

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

Mr. Speaker, I join the subcommittee chairman in supporting H.R. 632. This bill is critical to the protection of the property rights of the independent inventor, nonprofit organizations, and small businesses.

Current law provides for a patent owner to receive ''reasonable and entire compensation'' whenever an invention covered by a patent is used or manufactured by or for the United States without license of the owner or without lawful right. But if the patent owner has to bear the costs of litigation to recover compensation for the Government's use of its patent, the owner really isn't getting entire compensation. That is the gap that this legislation will fill.

This bill doesn't just serve to protect the property rights of the private property owner, however; it also ultimately serves the interests of the U.S. Government. Without this bill, companies have little incentive to spend their intellectual resources to help the Government solve its technical problems. As a member of the National Security Committee, I am well aware of some of the circumstances where companies can help us solve technical problems and thus add to our military capabilities, and this bill will be of great help in that regard.

I thank the subcommittee chairman, the gentleman from California, for his efforts on behalf of this bill. I urge my colleagues to support this important bill protecting the property rights of patent owners.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. Speaker, the gentleman is the primary sponsor of this bill, and he has been absolutely dogged in pursuing this. I congratulate him for persevering and I congratulate him on what I think will soon be a victory on this bill. I think all Members will be very happy to have this behind us.

Mr. FROST. Mr. Speaker, first of all, I would like to thank the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] for bringing this bill to the floor and for moving it forward at this time. I sincerely appreciate their efforts on behalf of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 632, a bill long overdue for inventors and small businesses in this country. H.R. 632 will enhance fairness in compensating owners of patents that were used by the U.S. Government.

Inventors whose patents are taken for use by the Federal Government have only one way to obtain payment—they are compelled by statute to bring a lawsuit against the Government to recover their fair compensation. Because of the lack of explicit language in the current statute, they are forced to bear all the costs of the lawsuit even when they win their case. Many small inventors and businesses have been unfairly hurt by this situation. H.R. 632 will permit such inventors to be reimbursed for their reasonable costs.

This bill would expressly authorize the recovery of reasonable costs by a small business or inventor who is forced by statute to litigate against the Government in order to obtain compensation. In each case, though, the costs would be scrutinized by the Claims Court to assure that they were reasonable, but to the extent they were reasonable, they could be recovered.

This problem should have been corrected long ago—when it first became apparent that court interpretations would not permit inventors to obtain a complete recovery. To continue this inequity would be a serious disservice to some of our most productive inventors in fundamentally important industries. We need to be fair with those inventors in order to encourage innovation and make our country more competitive. H.R. 632 would help assure the necessary fairness.

I urge my colleagues to join me today fixing this inequity and support H.R. 632.

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

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 632, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 632, the bill just passed.

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

There was no objection.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sex Crimes Against Children Prevention Act of 1995''.

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at lest 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United

States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking ''2245'' and inserting ''2246''.

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

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

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I hope I do not have to object, and I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain to us what is going on here.

Mr. MCCOLLUM. Mr. Speaker, we are waiving the right at the moment for the reading of the amendment. The gentleman from New York [Mr. SCHUMER] is going to reserve the right to object to the bill and we will discuss the bill. Right now we are just waiving the reading of Senate amendment.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. SCHUMER. Mr. Speaker, reserving the right to object, I will not object. I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain the purpose of the request.

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

Mr. MCCOLLUM. Mr. Speaker, this bill strengthens the punishment for sexual crimes involving children by directing the United States Sentencing Commission to make specific modifications to its sentencing guidelines with respect to these crimes. The House passed this bill last April by a vote of 417–0. The other body has also passed this legislation, but in a slightly different form. On behalf of the Crime Subcommittee, I am satisfied that the changes made in the other body actually strengthen the bill and I have no objection to them.

Accordingly, I bring the bill to the floor today for the purpose of agreeing to the Senate amendment to the bill and to send it to the President for his prompt signature.

Mr. SCHUMER. Mr. Speaker, continuing my reservation of objection, I rise in support of the legislation. I commend the gentleman for proceeding with this bill.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I will not object. I want to make sure I understand what the Senate amendment does.

I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, it is a very technical change of the time that is involved in this. I do not have it in front of me.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, it seems to me that we deserve to know what we are voting on.

Mr. MCCOLLUM. Mr. Speaker, if the gentleman will continue to yield, it changes the short title of the bill, is my understanding. It expands the increased penalties for possession of child pornography.

Mr. WATT of North Carolina. Mr. Speaker, it actually expands the bill that we passed?

Mr. MCCOLLUM. Mr. Speaker, by a very slight amount, in the actual definitions that are involved, child pornography, as far as the penalties are concerned.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, as I understand it, and the gentleman from Florida can correct me if I am wrong, there are three changes. Two are very technical. They change the short title of the bill; that is one. The second takes two sentences and makes it into one run-on sentence, which is characteristic of the other body on occasion. And the third one, which is the more serious change, although also technical, makes possession of such pornographic materials subject to the penalty as well as trafficking in them.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2418) to improve the capability to analyze deoxyribonucleic acid, as amended.

The Clerk read as follows:

H.R. 2418

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 ''DNA Identification Grants Improvement Act of 1995''.

SEC. 2. DNA IDENTIFICATION GRANTS.

Paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended to read as follows:

''(22) There are authorized to be appropriated to carry out part X—

''(A) $1,000,000 for fiscal year 1996;

''(B) $15,000,000 for fiscal year 1997;

''(C) $14,000,000 for fiscal year 1998;

''(D) $6,000,000 for fiscal year 1999; and

''(E) $4,000,000 for fiscal year 2000.''.

SEC. 3. RESTRICTION ON GRANT USE.

Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

''(d) DNA PROFILES PROHIBITED.—In no event shall DNA identification records contained in this index be compiled or analyzed in order to formulate statistical profiles for use in predicting criminal behavior.''.

SEC. 4. TECHNICAL AMENDMENT.

Effective on the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1994, section 210302(c)(3) of such Act is amended by inserting ''(a)'' after ''Section 1001'' and after ''3793''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from New York [Mr. SCHUMER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, I introduced this bill, the DNA Identification Grants Improvements Act of 1995, at the request of the FBI and the American Society of Crime Laboratory Directors.

Nearly everyone is aware by now of the tremendous utility of DNA identification to the Nation's criminal justice process. Some of the most horrendous crimes, the ones that scream out

for justice, often involve few if any witnesses. Child abduction and violent sexual assaults are just two categories of crimes in which the identification of the perpetrator and proof of the crime is extremely difficult. DNA has proven to be a useful tool in establishing investigative leads and as admissible evidence of the commission of a crime.

In addition, DNA analysis has proven to be a useful tool for those accused of committing crimes. In a limited number of cases, defendants have used DNA evidence to prove that they were not the perpetrators of particular crimes. Thus, the DNA identification process is a highly valuable, dual purpose, law enforcement tool.

This is why last year's crime bill, while containing several features I opposed, wisely included a provision to encourage and assist the development of DNA identification procedures. H.R. 2418 will reorder the funding levels of the DNA identification grants authorized in the bill. Those grants provide funding to the FBI to operate its combined DNA index system and to the States to develop and improve DNA testing. H.R. 2418 would merely reorder the amounts authorized to be made available to States over the next several fiscal years so that funds are available to States sooner than is authorized in current law. The total amount authorized is unchanged by this bill.

The FBI has requested that Congress front-load the funds to the States because of the significant start-up costs States incur in creating DNA testing programs and databases. As I have already stated, DNA analysis is an important and rapidly developing area of law enforcement. This bill will help States develop and implement DNA testing capabilities sooner. The result will be that more crimes will be solved, some who have been wrongly accused of crimes will be better able to prove their innocence, and many crimes will be solved sooner than would be the case without this bill.

I hope that in next year's appropriations bill for the Department of Justice, we will be able to fully fund this effort. I realize that there are many competing priorities, but I believe we must be equipping ourselves with the most effective technologies if we are going to cope with the coming storm of violent crime. I intend to work with the gentleman from Kentucky [Mr. ROGERS], who chairs the Commerce-Justice-State Appropriations Subcommittee, to secure the necessary funding.

I also want to point out that this bill contains a restriction on the use of the authorized funds with regard to the practice of criminal profiling. This language was offered successfully by the gentleman from North Carolina [Mr. WATT] in subcommittee. I supported this amendment because I agree with Mr. WATT as a matter of principle and because I am not aware of any attempts by law enforcement authorities to engage in the practice of using DNA data to identify genetic traits associated with criminal behavior. Such scientific endeavors may occur in other academic disciplines, but it is not the role of law enforcement authorities.

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

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

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

Mr. SCHUMER. Mr. Speaker, this bill, as has been mentioned, amends the DNA grant program that was passed as part of the 1994 crime bill. The DNA grant program provides $40 million in grants to State and local law enforcement agencies to improve their ability to analyze DNA samples, and I am glad that the majority, in their headlong effort to repeal so many sensible parts of the crime bill, is still in favor of this one.

The bill makes a sensible adjustment in the schedule under which the funds will become available for the grant program. Since startup costs are heavier in the early years, it redistributes funding to those years tapering off toward the end of the program. It does not change the total amount of funds available and as the gentleman from Florida [Mr. MCCOLLUM] mentioned, it includes the amendment of the gentleman from North Carolina [Mr. WATT] about profiles using this DNA information.

DNA information can be a serious tool in crime fighting, and one of our goals in passing the 1994 crime bill was to help the localities do better in fighting crime but not just give them an empty-ended block grant that would let them do whatever they want with the money.

I do not want to get into the debate on the crime bill now. Well, I do, but I will not.

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

Mr. SCHUMER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT] distinguished member of our Subcommittee on Crime.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

I rise in reluctant opposition to this bill, not because I feel that what I say is going to influence anybody to vote against the bill.

When this DNA bank was set up several years ago, as I recall, I was one of two Members who voted against setting it up in the first place, and I doubt that there is any shift in the public sentiment on that issue since that time.

I thought it would be helpful to use a little bit of time today to at least educate my colleagues about this issue and the potential for abuse related to DNA. Every day there is a new breakthrough in DNA identification technology. But DNA technology can be a classic double-edged sword. It can cut either way, so to speak.

I think my colleagues need to understand that and understand why I insisted in committee on offering an amendment to inhibit the use of DNA information that we are collecting to establish profiles for criminal conduct or any other kind of conduct.

On the one hand, DNA can be used to identify people with the genetic predisposition for certain diseases, which can facilitate treatment. It can be used to prove the innocence of falsely accused persons and help set them free. Of course, the pending habeas corpus reforms which are coming out of the Committee on the Judiciary make such a release unlikely because even if under the habeas corpus reforms, even if you had DNA that conclusively, DNA results that conclusively found somebody not to have been the victim or not to have been the perpetrator of a crime, you still could not use that DNA for the purpose of getting the person out of jail. I do not think we are so intent on using DNA for positive purposes necessarily as much as we are intent on using it for negative purposes.

If DNA technology is allowed to develop without certain safeguards put in place, it could have very, very negative consequences. That is what I have raised the prospect of by offering this amendment in committee and having the committee adopt it.

I want to express my appreciation to the subcommittee chair for including the provision in the bill which makes it clear that the DNA information that the U.S. Government is collecting on our citizens cannot be used to set up criminal profiles that try to predict the propensity of a U.S. citizen to engage in criminal conduct.

□ 1730

I think that would be a dangerous, dangerous level of activity by the U.S. Government. But the reason I have some reservations about this, this bill, is that this DNA bank really is creating a bank of people's blood. If someone gets convicted of a crime, and they go to prison, their DNA is going into this DNA bank. Whether their blood is needed for proof of their guilt or innocence in the case for which they are being tried or not is irrelevant, and I think we have gone beyond the pale of invasion of individual rights when we start taking people's blood unrelated to the case that they are being prosecuted for, and I think in some cases we are abusing our individual rights of our citizens in this country.

The second concern that I have is that we really have not developed in this country a clear way of using DNA. There is a lot of debate, ongoing debate, in the public about how reliable DNA is, how probative it can be in criminal cases, how much of a determining factor it should be. I guess the classic case of that was in the O.J. Simpson case where people started to

understand more and more the whole concept of DNA testimony in criminal cases.

Mr. Speaker, we have a long, long way to go in developing an understanding of the effective and reliable use of DNA as evidence in medicine, in criminal cases, the whole range of cases, and the thing that concerns me is that by spending $40 million we are getting ourselves way out in front of this issue before we have any reliable information about how this DNA information ought to be used.

The final point I want to make, and then I will sit down because I do not want to prolong this debate and I know that the outcome of this vote is already programmed, is that $40 million is a lot of money, and if I have the set priorities about how I were going to use $40 million, the establishment and the expansion of a Federal DNA bank and the granting of funds to States and local governments to further expand their DNA capacities, I would tell my colleagues would be way, way down on my list of priorities, and so in a sense I am concerned about the priorities we are setting by setting aside $40 million over this 4- or 5-year period to do this when we have such other critical needs in our country.

With that I will just leave this alone because again I know the outcome of the debate and the outcome of this vote. It would not be on the Suspension Calendar if a substantial number of people did not think this was noncontroversial, but I think we should understand that there is a level of controversy about the reliability of DNA testimony, the potential abuse of individual rights when we start taking the blood of people who, even though they have been convicted of some crime, even though their blood is not needed in that particular case, and we should always be concerned, when we are talking about spending the taxpayers' dollars, about the priorities we are setting for the Federal Government in the spending of those dollars.

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

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

Mr. Speaker, I just want to make one comment. I want to remind everybody that this is simply a bill which would reorder the priorities of spending in legislation that has already become law. We are not enacting anything new here, but we are reordering the priorities.

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2538) to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice, as amended.

The Clerk read as follows:

H.R. 2538

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 ''Criminal Law Technical Amendments Act of 1995''.

SEC. 2. GENERAL TECHNICAL AMENDMENTS.

(a) FURTHER CORRECTIONS TO MISLEADING FINE AMOUNTS AND RELATED TYPOGRAPHICAL ERRORS.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking ''fined not more than $5,000'' and inserting ''fined under this title''.

(2) Section 970(b) of title 18, United States Code, is amended by striking ''fined not more than $500'' and inserting ''fined under this title''.

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking ''fine of under'' each place it appears and inserting ''fine under''.

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking ''a fined under this title'' and inserting ''a fine under this title''.

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting ''under this title'' after ''fine''; and

(ii) striking ''nor more than $20,000''.

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1122. Protection against the human immunodeficiency virus.''.

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking ''fined not more than $50,000'' and inserting ''fined under this title''.

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking ''fined not more than $1,000'' each place it appears and inserting ''fined under this title''.

(9) Section 1917 of title 18, United States Code, is amended by striking ''fined not less than $100 nor more than $1,000'' and inserting ''fined under this title not less than $100''.

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking ''of not more than $250,000'' and inserting ''under this title''; and

(B) by striking ''of not more than $100,000'' and inserting ''under this title''.

(11) Section 2076 of title 18, United States Code, is amended by striking ''fined not more than $1,000 or imprisoned not more than one year'' and inserting ''fined under this title or imprisoned not more than one year, or both''.

(12) Section 597 of title 18, United States Code, is amended by striking ''fined not more than $10,000'' and inserting ''fined under this title''.

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking ''2331'' and inserting ''2332'';

(B) by striking ''2339'' and inserting ''2332a''; and

(C) by striking ''36'' and inserting ''37''.

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking ''2331'' and inserting ''2332'';

(B) by striking ''2339'' and inserting ''2332a'';

(C) by striking ''36'' and inserting ''37''; and

(D) by striking ''of an escape'' and inserting ''or an escape''.

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking ''that title'' and inserting ''this title''.

(4) Section 2423(b) of title 18, United States Code, is amended by striking ''2245'' and inserting ''2246''.

(5) Section 3553(f) of title 18, United States Code, is amended by striking ''section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)'' and inserting ''section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)''.

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking ''21 U.S.C. 848'' and inserting ''section 408 of the Controlled Substances Act''.

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking ''2339'' and inserting ''2332a''.

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) Section 844(h) of title 18, United States Code, is amended—

(A) in the first sentence, by striking ''be sentenced to imprisonment for 5 years but not more than 15 years'' and inserting ''be sentenced to imprisonment for not less than 5 nor more than 15 years''; and

(B) in the second sentence, by striking ''be sentenced to imprisonment for 10 years but not more than 25 years'' and inserting ''be sentenced to imprisonment for not less than 10 nor more than 25 years''.

(2) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting ''or as authorized under section 3401(g) of this title'' after ''shall proceed by information''.

(3) Section 1120 of title 18, United States Code, is amended by striking ''Federal prison'' each place it appears and inserting ''Federal correctional institution''.

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking ''or'' after the semicolon; and

(2) in paragraph (n), by striking ''and'' where it appears after the semicolon and inserting ''or''.

(e) CORRECTION CAPITALIZATION OF ITEMS IN LIST.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''the'' the first place it appears and inserting ''The''; and

(2) in paragraph (3), by striking ''the'' the first place it appears and inserting ''The''.

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking ''Act,,'' and inserting ''Act,''.

(2) Section 1114 of title 18, United States Code, is amended by striking ''1112.'' and inserting ''1112,''.

(3) Section 504(3) of title 18, United States Code, is amended by striking ''importation, of'' and inserting ''importation of''.

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking ''section 215 225,,'' and inserting ''section 215, 225,''.

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking ''1978)'' and inserting ''1978''.

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after ''embezzlement''.

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking ''veterans''' and inserting ''veteran's''.

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after ''District'' each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after ''Territory''.

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking ''or'' and inserting '', or''.

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking ''**or**'' and inserting ''**, or**''.

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning ''shall be fined'' and ending ''one year, or both.'' so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking ''centers,'' and inserting ''centers;''.

(15) Section 2101(a) of title 18, United States Code, is amended by striking ''(1)'' and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking ''section 841, 952(a), 955, or 959 of title 21'' each place it appears and inserting ''section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act''.

(g) CORRECTIONS OF PROBLEMS ARISING FROM UNCOORDINATED AMENDMENTS.—

(1) SECTION 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting ''section 922(x)'' before ''or section 924(b)''; and

(B) by striking ''or (x)''.

(2) STRIKING MATERIAL UNSUCCESSFULLY ATTEMPTED TO BE STRICKEN FROM SECTION 1116 BY PUBLIC LAW 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking '', except'' and all that follows through the end of such subsection and inserting a period.

(3) ELIMINATION OF DUPLICATE AMENDMENT IN SECTION 1958.—Section 1958(a) of title 18, United States Code, is amended by striking ''or who conspires to do so'' where it appears following ''or who conspires to do so'' and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking ''2258'' and inserting ''2260''.

(3) CONFORMING AMENDMENT TO CROSS-REFERENCE.—Section 1961(1)(B) of title 18, United States Code, is amended by striking ''2258'' and inserting ''2260''.

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

(A) by striking ''**113B**'' and inserting ''**113C**''; and

(B) by striking ''**2340.**'' and inserting ''**2340**''.

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting ''; and''.

(3) PLACEMENT CORRECTION.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS IN SECTION 1029 AND CONFORMING AMENDMENTS RELATED THERETO.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103–414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking ''or'' at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting ''or'' at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''or (7)'' and inserting ''(7), (8), or (9)''; and

(B) in paragraph (2), by striking ''or (6)'' and inserting ''(6), (7), or (8)''.

(m) INSERTION OF MISSING SUBSECTION HEADING.—Section 1791(c) of title 18, United States Code, is amended by inserting after ''(c)'' the following subsection heading: ''CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.—''.

(n) CORRECTION OF MISSPELLING.—Section 2327(c) of title 18, United States Code, is amended by striking ''delegee'' each place it appears and inserting ''designee''.

(o) CORRECTION OF SPELLING AND AGENCY REFERENCE.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking ''juvenille'' and inserting ''juvenile'', and

(2) by striking ''the Federal Bureau of Investigation, Identification Division,'' and inserting ''the Federal Bureau of Investigation''.

(p) CORRECTING MISPLACED WORD.—Section 1028(a) of title 18, United States Code, is amended by striking ''or'' at the end of paragraph (4) and inserting ''or'' at the end of paragraph (5).

(q) STYLISTIC CORRECTION.—Section 37(c) of title 18, United States Code, is amended by inserting after ''(c)'' the following subsection heading: ''BAR TO PROSECUTION.—''.

SEC. 3. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

(a) SECTION 709 AMENDMENT.—Section 709 of title 18, United States Code, is amended by striking ''Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—''.

(b) SECTION 1014 AMENDMENT.—Section 1014 of title 18, United States Code, is amended—

(1) by striking ''Reconstruction Finance Corporation,'';

(2) by striking ''Farmers' Home Corporation,''; and

(3) by striking ''of the National Agricultural Credit Corporation,''.

(c) SECTION 798 AMENDMENT.—Section 798(d)(5) of title 18, United States Code, is amended by striking ''the Trust Territory of the Pacific Islands,''.

(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) SECTION 510 AMENDMENT.—Section 510(b) of title 18, United States Code, is amended by striking ''that in fact'' and all that follows through ''signature''.

(f) CONTROLLED SUBSTANCES ACT AMENDMENT.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g) through (p) and (r) and paragraphs (1) through (3) of subsection (q).

SEC. 4. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) REPLACEMENT FOR UNEXECUTABLE AMENDMENT TO SECTION 844.—

(1) AMENDMENT.—Section 844(f) of title 18, United States Code, is amended by striking ''twenty years, or fined under this title'' and inserting ''40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320106 of the Violent Crime Control and Law Enforcement Act of 1994 on the date of the enactment of such Act.

(b) ELIMINATION OF DOUBLE COMMAS IN SECTION 844.—Section 844 of title 18, United States Code, is amended in each of subsections (f) and (i) by striking '',,'' each place it appears and inserting a comma.

(c) REPLACEMENT OF COMMA WITH SEMICOLON IN SECTION 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(d) CLARIFICATION OF AMENDMENT TO SECTION 922.—

(1) AMENDMENT.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by inserting ''the first place it appears'' before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(e) STYLISTIC CORRECTION TO SECTION 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking ''section 922(g)'' and inserting ''subsection (g)''.

(f) ELIMINATION OF UNNECESSARY WORDS.—Section 922(w)(4) of title 18, United States Code, is amended by striking ''title 18, United States Code,'' and inserting ''this title''.

(g) CLARIFICATION OF PLACEMENT OF PROVISION.—

(1) AMENDMENT.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by striking ''adding at the end'' and inserting ''inserting after subsection (w)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(h) CORRECTION OF TYPOGRAPHICAL ERRORS IN LIST OF CERTAIN WEAPONS.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

"Centerfire Rifles—Lever & Slide",

by striking

''Uberti 1866 Sporting Rilfe''

and inserting the following:

''Uberti 1866 Sporting Rifle'';

(2) in the category designated

"Centerfire Rifles—Bolt Action",

by striking

''Sako Fiberclass Sporter''

and inserting the following:

''Sako FiberClass Sporter'';

(3) in the category designated

"Shotguns—Slide Actions",

by striking

''Remington 879 SPS Special Purpose Magnum''

and inserting the following:

''Remington 870 SPS Special Purpose Magnum''; and

(4) in the category designated

"Shotguns—Over/Unders",

by striking

''E.A.A/Sabatti Falcon-Mon Over/Under''

and inserting the following:

''E.A.A./Sabatti Falcon-Mon Over/Under''.

(i) INSERTION OF MISSING COMMAS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after ''United States Code''.

(j) CORRECTION OF UNEXECUTABLE AMENDMENTS RELATING TO THE VIOLENT CRIME REDUCTION TRUST FUND.—

(1) CORRECTION.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking ''Fund,'' and inserting ''Fund established by section 1115 of title 31, United States Code,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) CORRECTION OF UNEXECUTABLE AMENDMENT TO SECTION 923.—

(1) CORRECTION.—Section 201(1) of the Act, entitled ''An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.'' (Public Law 103–159), is amended by striking ''thereon,'' and inserting ''thereon''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(l) CORRECTION OF PUNCTUATION AND INDENTATION IN SECTION 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting ''; or''; and

(2) by moving such clause 4 ems to the left.

(m) REDESIGNATION OF SUBSECTION AND CORRECTION OF INDENTATION IN SECTION 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(n) CORRECTION OF TYPOGRAPHICAL ERROR IN AMENDATORY PROVISION.—

(1) CORRECTION.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking ''924(a)'' and inserting ''924''; and

(B) in paragraph (2), by striking ''subsections'' and inserting ''subsection''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(o) ELIMINATION OF DUPLICATE AMENDMENT.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(p) REDESIGNATION OF PARAGRAPH IN SECTION 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(q) ELIMINATION OF COMMA ERRONEOUSLY INCLUDED IN AMENDMENT TO SECTION 924.—

(1) AMENDMENT.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking ''shotgun,'' and inserting ''shotgun''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(r) INSERTION OF CLOSE PARENTHESIS IN SECTION 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(s) REDESIGNATION OF SUBSECTIONS IN SECTION 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (i), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(t) CORRECTION OF ERRONEOUS CROSS REFERENCE IN AMENDATORY PROVISION.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking ''110203(a)'' and inserting ''110503''.

(u) CORRECTION OF CROSS REFERENCE IN SECTION 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking ''(c)'' and inserting ''(d)''.

(v) CORRECTION OF CROSS REFERENCES IN SECTION 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking ''(g)'' and inserting ''(h)''; and

(2) by striking ''(d)'' each place such term appears and inserting ''(e)''.

SEC. 5. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) STYLISTIC CORRECTIONS RELATING TO TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

''Sec.
''2261. Interstate domestic violence.
''2262. Interstate violation of protection order.
''2263. Pretrial release of defendant.
''2264. Restitution.
''2265. Full faith and credit given to protection orders.
''2266. Definitions.''.

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

''Sec.
''521. Criminal street gangs.''.

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

''Sec.
''2721. Prohibition on release and use of certain personal information from State motor vehicle records.
''2722. Additional unlawful acts.
''2723. Penalties.
''2724. Civil action.
''2725. Definitions.''.

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking ''Victims'' and inserting ''victims''.

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking ''paragraph (b)(1)'' and inserting ''paragraph (1)''.

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking ''at the end of the section'' and inserting ''at the end of the subsection''.

(3) Section 60003(a)(13) of Public Law 103–322 is amended by striking ''$1,000,000 or'' and inserting ''$1,000,000 and''.

(4) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding ''or'' at the end.

(5) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(6) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting ''at the end'' after ''adding''.

(7) Section 160001(f) of Public Law 103–322 is amended by striking ''1961(l)'' and inserting ''1961(1)''.

(8) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(9) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(10) Section 230207 of Public Law 103–322 is amended by striking ''two'' and inserting ''2'' the first place it appears.

(11) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(12) Section 280005(a) of Public Law 103–322 is amended by striking ''Section 991 (a)'' and inserting ''Section 991(a)''.

(13) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(14) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(15) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(16) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking ''FAIR HOUSING'' and inserting ''1968 CIVIL RIGHTS''; and

(B) by striking ''of the Fair Housing Act'' and inserting ''of the Civil Rights Act of 1968''.

(17) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before ''(a) IN GENERAL''.

(18) Section 320602(1) of Public Law 103–322 is amended by striking ''whoever'' and inserting ''Whoever''.

(19) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(20) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking ''thirteenth'' and inserting ''14th''.

(21) Section 2311 of title 18, United States Code, is amended by striking ''livestock'' where it appears in quotation marks and inserting ''Livestock''.

(22) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(23) Section 330002(d) of Public Law 103–322 is amended by striking ''the comma'' and inserting ''each comma''.

(24) Section 330004(18) of Public Law 103–322 is amended by striking ''the Philippine'' and inserting ''Philippine''.

(25) Section 330010(17) of Public Law 103–322 is amended by striking ''(2)(iii)'' and inserting ''(2)(A)(iii)''.

(26) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking ''each place'' and inserting ''the first place''; and

(B) by striking ''1169'' and inserting ''1168''.

(27) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is transferred to appear after the item relating to section 1168.

(28) Section 901 of the Civil Rights Act of 1968 is amended by striking ''under this title'' each place it appears and inserting ''under title 18, United States Code,''.

(29) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking ''law).'' and inserting ''law)''.

(30) Section 250008(a)(2) of Public Law 103–322 is amended by striking ''this Act'' and inserting ''provisions of law amended by this title''.

(31) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''403(c)'' and inserting ''408(c)''; and

(B) in paragraph (2), by striking ''Export Control'' and inserting ''Export''.

(32) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding ''and'' at the end.

(33) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking ''of not more than $1,000'' and inserting ''under this title''.

(34) Section 160001(g)(1) of Public Law 103–322 is amended by striking ''(a) Whoever'' and inserting ''Whoever''.

(35) Section 290001(a) of Public Law 103–322 is amended by striking ''subtitle'' and inserting ''section''.

(36) Section 3592(c)(12) of title 18, United States Code, is amended by striking ''Controlled Substances Act'' and inserting ''Comprehensive Drug Abuse Prevention and Control Act of 1970''.

(37) Section 1030 of title 18, United States Code, is amended—

(A) by inserting ''or'' at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking ''and'' after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking ''the section'' and inserting ''this section''; and

(D) in subsection (h), by striking ''section 1030(a)(5) of title 18, United States Code'' and inserting ''subsection (a)(5)''.

(38) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(39) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows ''2319 (relating to copyright infringement)'' the first place it appears.

(40) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking ''; or'' and inserting a semicolon.

(41) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking ''3561(b)'' and inserting ''3561(c)''.

(42) Section 330004(3) of Public Law 103–322 is amended by striking ''thirteenth'' and inserting ''14th''.

(43) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking ''sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)'' and inserting ''sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)''; and

(B) by striking ''subchapter'' and inserting ''chapter''.

(44) Section 1516(b) of title 18, United States Code, is amended by inserting ''or'' at the end of paragraph (1).

(45) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking ''employee's'' and inserting ''employees'''.

(46) Section 330022 of Public Law 103–322 is amended by inserting a period after ''communications'' and before the close quotation mark.

(47) Section 2721(c) of title 18, United States Code, is amended by striking ''covered by this title'' and inserting ''covered by this chapter''.

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking ''or any relative defendant, child, or former child of the defendant,''.

(2) Section 351(e) of title 18, United States Code, is amended by striking ''involved in the use of a'' and inserting ''involved the use of a''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 6. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking ''this title and imprisoned'' and inserting ''this title or imprisoned''.

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking ''Saving and Loan'' and inserting ''Savings and Loan''.

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking ''1461'' and inserting ''1460''.

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking ''subparagraph (A)'' and inserting ''this subparagraph''.

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after ''attempts to commit any of the foregoing offenses''.

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking ''3126(2)(A)'' and inserting ''3127(2)(A)''.

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking ''title 18, United States Code'' and inserting ''this title''.

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking ''government's'' and inserting ''Government's''; and

(2) in subsection (h)(3), by striking ''subpart'' and inserting ''paragraph''.

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, I introduced H.R. 2538, the Criminal Law Technical Amendments Act of 1995, on behalf of myself and the gentleman from New York [Mr. SCHUMER], who is the ranking minority member of the Crime Subcommittee. This bill makes a number of strictly technical amendments to the Federal criminal law, principally in title 18 and title 21 of the United States Code.

Over the past several years, the House Office of Legislative Counsel and the Department of Justice have accumulated a list of technical issues that need to be addressed, mostly as a result of rapid change to Federal criminal law.

Mr. Speaker, I want to assure all of my colleagues that all of the changes

made in H.R. 2538 are purely technical in nature. There are no substantive modifications to the criminal law made by this bill. For example, the bill corrects a number of misspelled words, and errors in punctuation and other items of grammar. The bill also corrects a number of cross-references in the criminal law that resulted when several new laws were added to title 18 in last year's crime bill. The bill also deletes several specific statutory fine amounts that unintentionally remain in the printed code, notwithstanding the fact that several years ago Congress deleted specific fine amounts from title 18 in favor of a uniform fine statute applicable to all crimes.

Mr. Speaker, some may ask why we are even bothering to make such changes if they are not substantive in nature. Well, I believe it is appropriate that the Congress ensure that the written Federal law, as read by both practitioners and the public, reflects an appropriate level of care for detail and the true intent of Congress. This, among other benefits, strengthens the public's confidence in the legislative branch.

For example, I mentioned criminal fines. In 1987, Congress established a uniform fine of up to $250,000 for a felony conviction. Criminal offenses established prior to that time contained other specific, and mostly lower, fine amounts. Those amounts are no longer effective as a result of the 1987 act, yet they remain on the books. This can be confusing to those who are unfamiliar with Federal criminal law.

This bill helps us achieve the goals I have outlined. I urge all of my colleagues to support this bill.

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

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

Mr. Speaker, I do not want to go through it, but this is as uncontroversial a bill as we are going to get. It has been carefully reviewed by our side to make sure it has no substantive changes in our Federal law.

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2538, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

INCREASING PENALTY FOR ESCAPING FROM FEDERAL PRISON

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1533) to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

The Clerk read as follows:

H.R. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751(a) of title 18, United States Code, is amended by striking ''five'' and inserting ''10''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, this bill is simple and noncontroversial, and yet it makes an important improvement to Federal criminal law. As Federal law enforcement has increased its attack in recent years on serious violent criminals and major drug traffickers by imposing long prison sentences on these most dangerous offenders, the penalty for escaping from prison and other forms of Federal custody has not increased in a corresponding manner.

This presents a risk to the safety of Federal employees who work for the Bureau of Prisons, the Marshals Service, and the other enforcement agencies charged with maintaining the custody of persons convicted of Federal crimes. H.R. 1533 fixes this problem.

This bill was introduced by the gentleman from Tennessee [Mr. BRYANT]. I want to commend him for having the idea and for his initiative.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. BRYANT] so that he may explain his bill.

Mr. BRYANT of Tennessee. Mr. Speaker, I am pleased to have the opportunity today to speak on behalf of H.R. 1533, a bill which I introduced earlier this year. I especially thank the distinguished chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. MCCOLLUM] for his help in moving this legislation to this point of consideration for the full House of Representatives.

H.R. 1533 would simply double from 5 years to 10 years the maximum penalty that Federal escapees can receive. The penalty applies to all escapees and attempted escapees who are in the Attorney General's custody. Therefore this penalty would apply to those who escape or attempt to escape from a Federal prison, from the custody of the United States marshals while in transit or from a halfway house or from other non-Federal facilities such as a private prison or local jails.

I might add that the National Sheriffs' Association supports this bill because of that.

Mr. Speaker, it is time to raise the penalty for escaping from Federal custody. Currently a Federal escapee faces a maximum of 5 years in jail. Of course, due to the sentencing guidelines, he received the 5-year maximum penalty.

There are two primary reasons why such an increase is necessary and needed at this time. First, it would serve as a greater deterrent to those people who would be thinking about attempting to escape from jail, and second, it would maintain the alignment, a better alignment, if my colleagues will, with today's longer-based sentences. Federal prison escapes are up, and they have been going up since 1992 when over 550 Federal detainees jumped the fence, or held up a guard, or smuggled themselves out by way of a trash truck, did whatever they had to do to break out, break away from, the law and creep back into the society to resume their unlawful and in too many instances violent ways. That number has continued to increase to around 600 escapees in 1993 and up to 660 escapees last year.

A Federal marshal and a court security officer have already been killed in one of these attempted escapes in a senseless and intolerable act of misbehavior. This occurred in Chicago under circumstances that I happened to be in that city that day on business and followed that case very closely where a man in transit by a marshal in a Federal courthouse in the parking garage part somehow came into possession of a key to handcuffs and escaped and overcame the guard, the marshal that was accompanying him, took the gun and shot that marshal as well as another court security officer, certainly an example of a tragic incident where we need better and tougher laws against people who make attempts to escape.

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Overall, to their credit, the U.S. Marshals Service has already done an outstanding job of handling these cases successfully, recapturing nearly 500 of the 660 prisoners who have escaped. But tracking these criminals certainly is not easy, let alone a criminal who has escaped and is trying to hide out. When an individual knows they are being pursued, just finding out where they are can cost literally hundreds of hours of investigative work and cause quite a few headaches. This successful record that the marshals have still leaves over 150 escapees from 1994 still out on the streets committing more crimes.

I mentioned earlier the consequences and the risks of escaping. Let us consider exactly what those consequences are and then ask ourselves, are these

consequences working to deter people from trying to escape? Under current law, the maximum penalty which can be administered to a Federal escapee, either caught trying to escape or caught after escaping, is the 5 years, as I mentioned earlier. Five years, Mr. Speaker, as we all know, due to the sentencing guidelines, few of those actually caught either after they have escaped or attempting to escape would actually receive this full maximum of 5 years.

I ask the question: Are the current penalties for escaping from Federal custody strong enough? I do not believe so. I do not think that when some Federal prisoners are sitting in the back of a squad car or in a transport van or sitting in their jail cells thinking about making a break for it; I do not think they are thinking about what would happen to them if they got caught. If those who escape or are trying to escape are thinking about it, then we are certainly not deterring them from it. The latest most current penalties must not be working, at least not for these particular people. If they are not thinking about what may happen to them if they are caught, then we definitely need to give them something more to think about.

Mr. Speaker, it is past time to raise the stakes for escaping from Federal custody. When this bill passes, it will not take long for the word to circulate among the jails and the prisons in the county, jails where some of these Federal inmates are kept, about this increase in punishment and the higher risks that they will get caught up in if they attempt to make a break. The penalty will be doubled, and they will understand that.

There is another reason why we need to pass this bill. That is to stay consistent with the much tougher penalties we have already put in place for other crimes due to the tougher sentencing guidelines and due to the mandatory sentence. Quite frankly, a lot of these people in jail who are serving the longer sentences that we are getting today are not much deterred, are not much affected by the fact that they might risk another 1 or 2 years on the already long jail sentence, so it is worth the risk to them to attempt to escape.

What we are doing by doubling the punishment is, again, raising the stakes and making it more of a serious threat to them and a deterrent to them, because when they try to escape it is not just simply a matter of scooting out the back door, running away and hiding in society. Very often they injure people, they hurt people, as I mentioned in the incident in Chicago, where two completely innocent people doing their jobs were shot dead by this person. So it is a problem that actually does need to be addressed at this time.

One might say, though, ''Well, rather than approaching it from this end, why not just simply tighten up the security at the Federal prisons?'' Our Bureau of Federal Prisons, our Bureau of Prisons, those folks like the U.S. marshal are doing a tremendous job, but most of the Federal escapes do not occur out of the Federal prisons. As it was pointed out earlier, the U.S. Marshals have to transport these prisoners back and forth, sometimes as witnesses, sometimes as defendants in their own case. They have to be brought all around the country, sometimes, in airplanes and vehicles to courthouses; again, as in Chicago, the gentleman was being escorted out the Federal building in the courthouse and back to the jail.

Many of these Federal prisoners are also kept in State and local jails and in private penitentiaries where security might not be an strong as the BOP, the Bureau of Prisons, on the federal level. This bill addresses those types of prisoners, too. it might be because the county jail is overcrowded, or that they are in a minimum security temporary holding facility. Resources, quite frankly, are just limited. It makes it easier for some of these folks, again, to risk the additional 1 or 2 years they might get to going over the fence and actually probably hurting somebody while they do that.

This is where the brunt of the problem is. Mr. Speaker, it is our responsibility as a Congress to set a reasonable penalty in place as an effort to reduce the number of escapees from increasing every year with our ever-growing prison population. The fact is we must point our escape policy in a different direction than where the increasing number of escapees have pointed it over the course of the next 4 years. Doubling the current 35-year penalty, I believe, is the correct starting point.

Finally, let me add, the Department of Justice supports this bill because of the reasons I have just outlined. A letter from the Assistant Attorney General for Legislative Affairs says the Department of Justice considers any criminal offense committed during incarceration to be egregious, particularly escape attempts.

I am also pleased to have the bipartisan support from many of my colleagues who have supported this legislation, and it passed out of the Committee on the Judiciary by a voice vote overwhelmingly.

In closing, I want to add my personal thanks to a deputy marshal in Memphis, TN, who worked with me when I was U.S. attorney there, Deputy Marshal Scott Sanders, who suggested this idea to me, to double the penalty there.

Finally, I would urge my colleagues to vote in support of H.R. 1533, as it represents another brick in the wall toward restoring law and order in America. I urge its passage.

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

Mr. Speaker, I want to first commend the gentleman from Tennessee [Mr. BRYANT] for offering this legislation to begin with. I do not want to make but a couple of comments, and then I will let the gentleman from New York [Mr. SCHUMER] say his piece on this bill.

I think all of us know that dangerous criminals understand the Federal criminal justice system is much tougher than the State systems. We have broad pretrial detention authority, we have mandatory minimum sentences for serious drug trafficking crimes, crimes involving firearms, and we have no parole. Criminals do not want to be prosecuted in the Federal system. A lot of them are pretty tough-looking criminals who break down and even cry. I would like to see the States have those same types of tough laws.

Because the Federal system is so tough, there is a real risk, as the gentleman from Tennessee [Mr. BRYANT] says, that desperate offenders will attempt to escape. No matter what the professionalism of our skilled law enforcement officials who are doing a difficult job, anytime it happens, public servants and law enforcement personnel are at great risk, so I believe this additional penalty for escapes is very important. I am very proud to support the gentleman's bill that is out here today.

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

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

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

Mr. SCHUMER. Mr. Speaker, I rise in support of this bill. This bill, as has been stated, increases the maximum penalty for escaping from Federal prison from 5 to 10 years. I strongly support it, and it was strongly supported by the Department of Justice.

There may be lots of disagreements in this Chamber about basic crime strategies, but in my judgment there is little room for disagreement about the danger that prison escapes present. Prison escapes threaten correctional staff, they threaten the communities in which the correctional institutions are located, they threaten the inmates who may be caught up in a given escape scenario.

Although this Congress has steadily increased underlying penalties for many crimes—something, in my judgment, that has a good deal to do with the decrease in crime rates we are seeing; I know some say one has nothing to do with the other, but I do not believe that; I know in my State it has had an effect and it is going to have an effect in places all over America—we have not increased the penalty for prison escape.

This has led to a situation in which, speaking relative to the possibility of punishment, escaping is becoming a low-risk proposition. This bill corrects that situation by making the penalty more severe, and in the judgment of the Department of Justice, severe enough to substantially discourage escape attempts.

Before I conclude, I want to thank the gentleman from Tennessee [Mr.

BRYANT] for his diligence in pushing this bill through. It is a needed bill, and I do not know if this is the first bill the gentleman is passing on the floor of the House, but I congratulate the gentleman, whatever bill it is; it is his first one, so I congratulate him on this landmark occasion in his long and distinguished career.

Mr. CONYERS. Mr. Speaker, with all of the problems facing our prison system today—a system which has proven to be a breeding ground for more serious crime—what the majority sends us is a bill increasing the penalties for escaping from prison. And instead of explaining why such a bill is necessary, we hear that the problem is that the judges don't give stiff enough sentences.

H.R. 1533 responds to a non-existent problem. I am unaware of any great rash of prison breaks. In 1993 for example, only 6 people escaped form Federal prisons, 197 people were considered walk aways—people who did not return to halfway houses.

Prison officials are not clamoring for this change in the law. this increased penalty is unnecessary. It is ridiculous to think that potentially higher sentences will deter attempts to escape from prison. Those individuals who attempt such escapes are not thinking about the penalty for getting caught, because they do not think they will get caught. If they thought they would be caught, they wouldn't try to escape in the first place.

There is no way to characterize legislative proposals such as this other than whistling past the graveyard. Just last week the Justice Department released a startling midyear report showing that the incarceration rate in this country had reached an all-time record of 1.1 million people. The number of prisoners grew by 90,000 people last year—another all-time record. The incarceration rate in this country is higher than any other country in the world and is 8 to 10 times higher than other industrialized nations.

And the racial make up of our prison population is even more striking. Last year some 33 percent of black men in their 20's were in prison or on parole. This contrasts with the rate for white men, which was 6.7 percent. Why are such an increasing number of African-Americans serving more time in prison? The Sentencing Project concludes that "the statistics primary reflected changes in law enforcement policies that have resulted in a greater number of defendants receiving prison sentences, especially prison sentences, rather than an increase in the number of crimes committed by black men."

So instead of trying to deal with the very real, very serious problems which face our prisons—like the problem of a disparity in crack cocaine sentences—we will be voting on a bill to increase sentences for attempted escapes from prison. The bill we are considering today is a complete waste of time. I only wish the majority would spend half as much time on the real problems facing our prisons as they do trying to score political points by acting tough on crime.

The SPEAKER pro tempore (Mr. EWING). All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1533.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. 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. 1240, H.R. 2418, and H.R. 1533.

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

There was no objection.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2196

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 "National Technology Transfer and Advancement Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed $10,000.".

SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to subsection (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure, through such agreement, that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency;

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in

the employment or service of the Government; and

''(D) waive, subject to reservation by the Government of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government, in advance, in whole or in part, any right of ownership which the Federal Government may have to any subject invention made under the agreement by a collaborating party or employee of a collaborating party.

''(4) A collaborating party in an exclusive license in any invention made under an agreement entered into pursuant to subsection (a)(1) shall have the right of enforcement under chapter 29 of title 35, United States Code.

''(5) A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement pursuant to subsection (a)(1) may use or obligate royalties or other income accruing to the laboratory under such agreement with respect to any invention only—

''(A) for payments to inventors;

''(B) for purposes described in clauses (i), (ii), (iii), and (iv) of section 14(a)(1)(B); and

''(C) for scientific research and development consistent with the research and development missions and objectives of the laboratory.''.

SEC. 5. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) by amending subsection (a)(1) to read as follows:

''(1) Except as provided in paragraphs (2) and (4), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Federal laboratories under section 12, and from the licensing of inventions of Federal laboratories under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

''(A)(i) The head of the agency or laboratory, or such individual's designee, shall pay each year the first $2,000, and thereafter at least 15 percent, of the royalties or other payments to the inventor or coinventors.

''(ii) An agency or laboratory may provide appropriate incentives, from royalties, or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of such inventions.

''(iii) The agency or laboratory shall retain the royalties and other payments received from an invention until the agency or laboratory makes payments to employees of a laboratory under clause (i) or (ii).

''(B) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

''(i) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

''(ii) to further scientific exchange among the laboratories of the agency;

''(iii) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

''(iv) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

''(v) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

''(C) All royalties or other payments retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury.'';

(2) in subsection (a)(2)—

(A) by inserting ''or other payments'' after ''royalties''; and

(B) by striking ''for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year'' and inserting in lieu thereof ''under paragraph (1)(B)'';

(3) in subsection (a)(3), by striking ''$100,000'' both places it appears and inserting ''$150,000'';

(4) in subsection (a)(4)—

(A) by striking ''income'' each place it appears and inserting in lieu thereof ''payments'';

(B) by striking ''the payment of royalties to inventors'' in the first sentence thereof and inserting in lieu thereof ''payments to inventors'';

(C) by striking ''clause (i) of paragraph (1)(B)'' and inserting in lieu thereof ''clause (iv) of paragraph (1)(B)'';

(D) by striking ''payment of the royalties,'' in the second sentence thereof and inserting in lieu thereof ''offsetting the payments to inventors,''; and

(E) by striking ''clauses (i) through (iv) of''; and

(5) by amending paragraph (1) of subsection (b) to read as follows:

''(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency, or''.

SEC. 6. EMPLOYEE ACTIVITIES.

Section 15(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710d(a)) is amended—

(1) by striking ''the right of ownership to an invention under this Act'' and inserting in lieu thereof ''ownership of or the right of ownership to an invention made by a Federal employee''; and

(2) by inserting ''obtain or'' after ''the Government, to''.

SEC. 7. AMENDMENT TO BAYH–DOLE ACT.

Section 210(e) of title 35, United States Code, is amended by striking '', as amended by the Federal Technology Transfer Act of 1986,''.

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 10(a)—

(A) by striking ''nine'' and inserting in lieu thereof ''15''; and

(B) by striking ''five'' and inserting in lieu thereof ''10'';

(2) in section 15—

(A) by striking ''Pay Act of 1945; and'' and inserting in lieu thereof ''Pay Act of 1945;''; and

(B) by inserting ''; and (h) the provision of transportation services for employees of the Institute between the facilities of the Institute and nearby public transportation, notwithstanding section 1344 of title 31, United States Code'' after ''interests of the Government''; and

(3) in section 19—

(A) by inserting '', subject to the availability of appropriations,'' after ''post-doctoral fellowship program''; and

(B) by striking ''nor more than forty'' and inserting in lieu thereof ''nor more than 60''.

SEC. 9. RESEARCH EQUIPMENT.

Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended—

(1) by inserting ''loan, lease,'' after ''department, may''; and

(2) by inserting ''Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property.'' after ''education and research activities.''.

SEC. 10. PERSONNEL.

The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275 note) is extended indefinitely.

SEC. 11. FASTENER QUALITY ACT AMENDMENTS.

(a) SECTION 2 AMENDMENTS.—Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended—

(1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(2) in subsection (a)(7), as so redesignated by paragraph (1) of this subsection, by striking ''by lot number''; and

(3) in subsection (b), by striking ''used in critical applications'' and inserting in lieu thereof ''in commerce''.

(b) SECTION 3 AMENDMENTS.—Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended—

(1) in paragraph (1)(B) by striking ''having a minimum tensile strength of 150,000 pounds per square inch'';

(2) in paragraph (2), by inserting ''consensus'' after ''or any other'';

(3) in paragraph (5)—

(A) by inserting ''or'' after ''standard or specification,'' in subparagraph (B);

(B) by striking ''or'' at the end of subparagraph (C);

(C) by striking subparagraph (D); and

(D) by inserting ''or produced in accordance with ASTM F 432'' after ''307 Grade A'';

(4) in paragraph (6) by striking ''other person'' and inserting in lieu thereof ''government agency'';

(5) in paragraph (8) by striking ''Standard'' and inserting in lieu thereof ''Standards'';

(6) by striking paragraph (11) and redesignating paragraphs (12) through (15) as paragraphs (11) through (14), respectively;

(7) in paragraph (13), as so redesignated by paragraph (6) of this subsection, by striking '', a government agency'' and all that follows through ''markings of any fastener'' and inserting in lieu thereof ''or a government agency''; and

(8) in paragraph (14), as so redesignated by paragraph (6) of this subsection, by inserting ''for the purpose of achieving a uniform hardness'' after ''quenching and tempering''.

(c) SECTION 4 REPEAL.—Section 4 of the Fastener Quality Act (15 U.S.C. 5403) is repealed.

(d) SECTION 5 AMENDMENTS.—Section 5 of the Fastener Quality Act (15 U.S.C. 5404) is amended—

(1) in subsection (a)(1)(B) and (2)(A)(i) by striking ''subsections (b) and (c)'' and inserting in lieu thereof ''subsections (b), (c), and (d)'';

(2) in subsection (c)(2) by striking ''or, where applicable'' and all that follows through ''section 7(c)(1)'';

(3) in subsection (c)(3) by striking '', such as the chemical, dimensional, physical, mechanical, and any other'';

(4) in subsection (c)(4) by inserting ''except as provided in subsection (d),'' before ''state whether''; and

(5) by adding at the end the following new subsection:

''(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

''(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

''(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

''(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

''(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.''.

(e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended by striking ''Within 180 days after the date of enactment of this Act, the'' and inserting in lieu thereof ''The''.

(f) SECTION 7 AMENDMENTS.—Section 7 of the Fastener Quality Act (15 U.S.C. 5406) is amended—

(1) by amending subsection (a) to read as follows:

''(a) DOMESTICALLY PRODUCED FASTENERS.—It shall be unlawful for a manufacturer to sell any shipment of fasteners covered by this Act which are manufactured in the United States unless the fasteners—

''(1) have been manufactured according to the requirements of the applicable standards and specifications and have been inspected and tested by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6; and

''(2) an original laboratory testing report described in section 5(c) and a manufacturer's certificate of conformance are on file with the manufacturer, or under such custody as may be prescribed by the Secretary, and available for inspection.'';

(2) in subsection (c)(2) by inserting ''to the same'' after ''in the same manner and'';

(3) in subsection (d)(1) by striking ''certificate'' and inserting in lieu thereof ''test report''; and

(4) by striking subsections (e), (f), and (g) and inserting in lieu thereof the following:

''(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fasteners from different lots in the same container, except that such manufacturer, importer, or private label distributor may commingle like fasteners of the same type, grade, and dimension from not more than two tested and certified lots in the same container during repackaging and plating operations. Any container which contains fasteners from two lots shall be conspicuously marked with the lot identification numbers of both lots.

''(f) SUBSEQUENT PURCHASER.—If a person who purchases fasteners for any purpose so requests either prior to the sale or at the time of sale, the seller shall conspicuously mark the container of the fasteners with the lot number from which such fasteners were taken.''.

(g) SECTION 9 AMENDMENT.—Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is amended by adding at the end the following new subsection:

''(d) ENFORCEMENT.—The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this Act, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.''.

(h) SECTION 10 AMENDMENTS.—Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is amended—

(1) in subsections (a) and (b), by striking ''10 years'' and inserting in lieu thereof ''5 years''; and

(2) in subsection (b), by striking ''any subsequent'' and inserting in lieu thereof ''the subsequent''.

(i) SECTION 13 AMENDMENT.—Section 13 of the Fastener Quality Act (15 U.S.C. 5412) is amended by striking ''within 180 days after the date of enactment of this Act''.

(j) SECTION 14 REPEAL.—Section 14 of the Fastener Quality Act (15 U.S.C. 5413) is repealed.

SEC. 12. STANDARDS CONFORMITY.

(a) USE OF STANDARDS.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (2), by striking '', including comparing standards'' and all that follows through ''Federal Government'';

(2) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) to compare standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards adopted or recognized by the Federal Government and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;''.

(b) CONFORMITY ASSESSMENT ACTIVITIES.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking ''and'' at the end of paragraph (11), as so redesignated by subsection (a)(2) of this section;

(2) by striking the period at the end of paragraph (12), as so redesignated by subsection (a)(2) of this section, and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(13) to coordinate Federal, State, local, and private sector standards conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.''.

(c) TRANSMITTAL OF PLAN TO CONGRESS.—The National Institute of Standards and Technology shall, by January 1, 1996, transmit to the Congress a plan for implementing the amendments made by this section.

(d) UTILIZATION OF CONSENSUS STANDARDS BY FEDERAL AGENCIES; REPORTS.—(1) To the extent practicable, all Federal agencies and departments shall use, for procurement and regulatory applications, standards that are developed or adopted by voluntary, private sector, consensus standards bodies.

(2) Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies, and shall participate with such bodies in the development of standards, as appropriate in carrying out paragraph (1).

(3) If a Federal agency or department elects to develop, for procurement or regulatory applications, standards that are not developed or adopted by voluntary, private sector, consensus standards bodies, the head of such agency or department shall transmit to the Office of Management and Budget, via the National Institute of Standards and Technology, an explanation of the reasons for developing such standards. The Office of Management and Budget, with the assistance of the National Institute of Standards and Technology, shall annually transmit to the Congress explanations concerning exceptions made under this subsection.

SEC. 13. SENSE OF CONGRESS.

It is the sense of the Congress that the Malcolm Baldrige National Quality Award program offers substantial benefits to United States industry, and that all funds appropriated for such program should be spent in support of the goals of the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. TANNER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

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

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

Mrs. MORELLA. Mr. Speaker, the Science Committee has a long history of encouraging, in a strong bipartisan manner, the transfer of technology and collaboration between our Federal laboratories and industry.

This afternoon, as we consider H.R. 2196, the National Technology Transfer and Advancement Act of 1995, we are following in that tradition.

I am very pleased to have my distinguished colleagues, Science Committee Chairman WALKER, Science committee ranking Member Congressman BROWN, and my Technology Subcommittee ranking member, Congressman TANNER, as original cosponsors of H.R. 2196. Additionally, S. 1164, the Senate companion bill to H.R. 2196, has been introduced by Senator ROCKEFELLER and has passed the Senate Commerce Committee.

I am also very pleased with the strong outside support H.R. 2196 has received. The administration, and a series of Federal agency officials, Federal

laboratory directors, as well as a broad spectrum of industry association representatives and private sector officers have all endorsed passage of the Act as an effective method to enhance our Nation's international competitiveness.

Mr. Speaker, successful technology transfer results in the creation of innovative products or processes becoming available to meet or induce market demand. Congress has long tried to encourage technology transfer to the private sector created in our Federal laboratories.

This is eminently logical since Federal laboratories are considered one of our Nation's greatest assets; yet, they are also a largely untapped resource of technical expertise.

The United States has over 700 Federal laboratories, employing one of six scientists in the Nation and occupying one-fifth of the country's lab and equipment capabilities.

It is, therefore, important to our future economic well-being to make the ideas and resources of our Federal laboratory scientists available to United States companies for commercialization opportunities.

Beginning with the landmark Stevenson-Wydler Technology Innovation Act of 1980, through the Federal Technology Transfer Act of 1986, among others, Congress has promoted technology transfer efforts, especially through a cooperative research and development agreement [CRADA].

The CRADA mechanism allows a laboratory and an industrial company to negotiate patent rights and royalties before they conduct joint research, giving the company patent protection for any inventions and products that result from the collaboration. This patent protection provides an incentive for the companies to invest in turning laboratory ideas into commercial products.

A CRADA provides a Federal laboratory with valuable insights into the needs and priorities of industry, and with the expertise available only in industry, that enhances a laboratory's ability to accomplish its mission.

Since the inception in 1986 of the CRADA legislation, over 2,000 have been signed, resulting in the transfer of technology, knowledge, and expertise back and forth between our Federal laboratories and the private sector.

Despite the success of the CRADA legislation, there are, however, existing impediments to private companies entering into a CRADA.

The law was originally designed to provide a great deal of flexibility in the negotiation of intellectual property rights to both the private sector partner and the Federal laboratory.

The law, however, provides little guidance to either party on the adequacy of those rights a private sector partner should receive in a CRADA. Agencies are given broad discretion in the determination of intellectual property rights under CRADA legislation.

This has often resulted in laborious negotiations of patent rights for certain laboratories and their partners each time they discuss a new CRADA.

With options ranging from assigning the company full patent title to providing the company with only a nonexclusive license for a narrow field of use, both sides must undergo this negotiation on the range of intellectual property rights for each CRADA.

This uncertainty of intellectual property rights, coupled with the time and effort required in negotiation, may now be hindering collaboration by the private sector with Federal laboratories.

This, in essence, has become a barrier to technology transfer. Companies are reluctant to enter into a CRADA, or equally important, to commit substantial investments to commercialize CRADA inventions, unless they have some assurance they will control important intellectual property rights.

The National Technology Transfer and Advancement Act of 1995, addresses these concerns, and others, through the following objectives:

First, by promoting prompt deployment by United States industry of discoveries created in a collaborative agreement with Federal laboratories by guaranteeing the industry partner sufficient intellectual property rights to the invention;

Second, by providing important incentives and rewards to Federal laboratory personnel who create new inventions;

Third, by providing several clarifying and strengthening amendments to current technology transfer laws; and

Fourth, by making legislative changes affecting the Fastener Quality Act, the Federal use of standards, and the management and administration of scientific research and standards measurement at the National Institute of Standards and Technology [NIST].

Specifically, H.R. 2196 seeks to enhance the possibility of commercialization of technology and industrial innovation in the United States by providing assurances that sufficient rights to intellectual property will be granted to the private sector partner with a Federal laboratory.

H.R. 2196 guarantees to the private sector partner the option, at minimum, of selecting an exclusive license in a field of use for a new invention created in a CRADA.

The company would then have the right to use the new invention in exchange for reasonable compensation to the laboratory.

The important factor is that industry selects which option makes the most sense under the CRADA. A company will now have the knowledge that they are assured of having no less than an exclusive license in an application area of its choosing.

These statutory guidelines give companies real assurance that they will receive important intellectual property out of any CRADA they fund.

Knowing they have an exclusive claim to the invention will, consequently, give a company both an extra incentive to enter into a CRADA and the knowledge that they can safely invest further in the commercialization of that invention.

In addition, H.R. 2196 addresses concerns about government rights to an invention created in a CRADA. It provides that the Federal Government will retain minimum statutory rights to use the technology for its own purposes.

H.R. 2196 provides limited government ''march-in-rights'' if there is a public necessity that requires compulsory licensing of the technology.

It also provides important incentives in royalty sharing to Federal laboratory personnel who create new technologies by enhancing the financial incentives and rewards given to Federal laboratory scientists for technology that results in marketable products.

These new incentives respond to criticism made before the Science Committee that agencies are not sufficiently rewarding laboratory personnel for their inventions.

It is important to note that these incentives are paid from the income the laboratories received for commercialized technology, not from tax dollars.

In addition, the Act provides a significant new incentive by allowing the laboratory to use royalties for related scientific research and development, consistent with the objectives and mission of the laboratory.

In this era of limited Federal fiscal resources, as we seek to balance our budget, these important incentives and administrative provisions can be very important to help a laboratory effectively meet its mission.

H.R. 2196 will help facilitate and speed technology cooperation between industry and our Federal laboratories, thus benefiting our economy and our citizens by making a CRADA more attractive to both American industry and Federal laboratories.

The Act is important because it comes at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our Nation's international competitiveness. With today's House passage, H.R. 2196 can be brought to the Senate for its expedited consideration, and then sent to the President for his signature into law.

□ 1800

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

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

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

Mr. TANNER. Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995. I want to commend Chairwoman MORELLA for her continued and

strong support of technology transfer from the Federal laboratories. We have worked on this bill in a spirit of bipartisan cooperation and it addresses gaps in our current technology transfer laws.

This is a short bill, the sections dealing with technology transfer are only nine pages, yet it impacts an area of considerable Federal investment. This bill amends and improves existing technology transfer laws affecting more than 700 Federal laboratories. H.R. 2196 enhances the ability of our national laboratories to work with industry to develop and commercialize new technologies.

Cooperative research and development agreements [CRADA's] represent a sizeable investment by the Federal Government and the private sector. Federal laboratories will have more than 6,000 active cooperative research and development agreements with industry and universities in 1995, representing more than $5 billion in Federal investment and matched by private sector partners.

I have witnessed firsthand the importance of technology transfer in maintaining the vitality of our Federal labs and to the economy. Oak Ridge National Laboratory in Tennessee accounts for almost 20 percent of all CRADA's signed by DOE laboratories and contractors. Since 1990, Oak Ridge National Lab has: Invested more than $320 million in cooperative research with industry; signed more than 280 CRADA's—39 percent of them with small businesses; issued more than 152 technology licenses and has a patent portfolio of over 400 licensable technologies; and, applied for almost 100 patents per year.

These activities have resulted in more than $80 million in sales and have generated $3.5 million in royalty payments to Oak Ridge. More importantly, technology transfer activities at Oak Ridge have fostered more than 55 new business and 3,000 private-sector jobs in the past 10 years—17 new businesses have been created as the result of CRADAs in the past 2 years alone.

Additionally, the bill extends the time that Federal labs have to reinvest royalty payments for scientific research and development at the labs. At a time when we are cutting the labs' budgets, we should allow them to benefit from the fruits of their labors.

The Federal labs are a national resource which should benefit all Americans. The labs have worked for the well-being of Americans since their earliest days and not only in terms of national security. It was in the early 1960's that a team of scientists and engineers from the Oak Ridge National Laboratory working with industry developed a machine and a process that have since been credited with saving millions of lives a year worldwide. In less than 1 year this private/public partnership developed a process and machine for isolating and purifying viruses to create vaccines—most notably to treat influenza.

The vaccines produced by this new process eliminated the sometimes severe side effects common with standard vaccines. Severe allergic reaction prevented the administration of the standard vaccine to the young and the old—the very people who needed it. The unique expertise of Oak Ridge scientists and engineers working with their colleagues in industry made this possible.

We should strengthen and build upon the 30-year tradition of cooperation between the national labs and industry. H.R. 21961 makes it easier for the Government and industry to work together—each contributing their respective strengths. We have invested billions of dollars in our research infrastructure and we shouldn't just rely on luck and hope that this investment will be fully utilized.

The bill provides needed incentives to promote public-private technology partnerships. H.R. 2196 deserves our support.

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

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. TANNER] for his comments and for his support. He does exemplify, as does the gentleman from California [Mr. BROWN], bipartisan cooperation on this bill and in other legislation that enhances our competitiveness.

Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], a very distinguished member of the subcommittee.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman and the chairman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 2196 the National Technology Transfer and Advancement Act of 1995. This legislation will encourage the transfer of basic science and research information from the Federal laboratories to the private sector. This bill also makes important and necessary changes to the Fastener Quality Act.

These changes are of great importance to my constituents who are employed in the fastener industry. One of the fastest growing and best-run companies in the United States is based in Winona, Minnesota. The Fasten all Company is one of the dominant forces in the fastener industry.

Interestingly, Mr. Speaker, they would probably benefit, or probably do benefit, from some of the rules and regulations currently enacted, but they have told me that whether they benefit or not, it actually, in the long run, is bad for business and industry.

In 1990, the 101st Congress enacted the Fastener Quality act to answer concerns that counterfeit and substandard fasteners posed a threat to our national defense and our public safety. In most cases, counterfeit and substandard fasteners are two separate problems.

While well-meaning in nature, the original Fastener Quality Act required that fasteners be tested, inspected, and certified by accredited laboratories before being distributed to the market. Fastener manufacturers were required to register their fastener headmarkings with the Patent and Trademark Office and keep certification of performance and a copy of the test report on file. These requirements are typical of unnecessary regulations which previous Congresses have dictated.

Today, we would be acting on the recommendations which have been made by the Fastener Advisory Committee, amending the Fastener Quality Act. The Fastener Advisory Committee, created by Congress, determined that the Fastener Quality Act will have an unintended detrimental impact on business. The Fastener Advisory committee reported that without these recommended changes, the cumulative burden of cost on the fastener industry could be close to $1 billion for absolute compliance to the Fastener Quality Act.

The Committee has adopted recommendations in this legislation for amending the Fastener Quality Act that were submitted in March of 1992, and then again in February of 1995, to the Congress by the Fastener Advisory Committee.

□ 1815

Such recommendations were the result of nine public meetings by the Fastener Advisory Committee involving more than 2,000 pages of transcript documenting the need for the amendments. Subsequent to the recommendations to Congress, the National Institute of Standards and Technology [NIST] published proposed implementing regulations for public comment in August 1992. More than 300 letters were received from the public. Over 70 percent of the letters supported the recommendations of the Fastener Advisory Committee for amending the act.

I urge all members to support this important legislation.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, the gentleman is correct regarding the great extent we have undertaken to work out these amendments with the fastener industry.

We listened to the Fastener Advisory Committee, its Fastener Public Law Task Force, and other representatives from the manufacturing, importing, and distribution sectors of the United States fastener industry in crafting these amendments to the Fastener Quality Act.

The task force represents 85 percent of all United States companies and their suppliers involved in the manufacture, distribution, and importation of fasteners and over 100,000 employees in all 50 States.

The section focuses mainly on mill heat certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances. The act

will maintain safety, reduce the unnecessary burdens on industry, and ensure proper enforcement of the Fastener Quality Act.

In addition to the fastener provisions in the bill, I believe it is important to note the other major provisions in the act. These include some very important administrative and management changes to the National Institute of Standards and Technology (NIST), which include making permanent the NIST Personnel Demonstration Project.

This project has helped NIST recruit and retain the best and the brightest scientists to meet its scientific research and measurement standards mission.

Also, included in the act are provisions affecting the Federal involvement in the use of standards and its development. Standards play a crucial role in all facets of daily life and in the ability of the Nation to compete in the global marketplace.

The United States, unlike the federalized standards system of most other countries, relies heavily on a decentralized, private sector-based, voluntary consensus standards system.

This unique consensus-based voluntary system has served us well for over a century and has contributed significantly to United States competitiveness, health, public welfare, and safety.

Playing an important role in maintaining a future competitive edge is the ability to develop standards which match the speed of the rapidly changing technology of the marketplace.

The key challenge is to update domestic standards activities, in light of increased internationalization of commerce, and to reduce duplication and waste by effectively integrating the Federal Government and private sector resources in the voluntary consensus standards system, while protecting its industry-driven nature and the public good.

Better coordination of Federal standards activities is clearly crucial to this effort. These issues were raised by the National Research Council (NRC) in its March 1995, report entitled, ''Standards, Conformity Assessment, and Trade in the 21st Century.''

We have adopted some of the recommendations in the NRC report clarifying NIST's lead role in the implementation of a government-wide policy of phasing out the use of federally-developed standards, wherever possible, in favor of standards developed by private sector, consensus standards organizations. We also adopted the recommendation to codify the present requirements of OMB Circular A–119, which requires agencies, through OMB, to report annually to Congress on the reasons for deviating from voluntary consensus standards, when the head of the agency deems that prospective consensus standards are not appropriate to the agency needs.

Mr. Speaker, I thank the gentleman for yielding so that I could put into the RECORD and explain the benefits of the statements that he made with regard to standards.

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

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, this is a good bill for many reasons. It will create more jobs, it will provide incentives for important scientific inventions, and it is going to make it easier to give or loan equipment to our schools, Federal equipment.

But it is also a bill that is important in another very important technological way, and that is for stimulating commercialization of the research being done in our national laboratories. I represent one of them, Los Alamos National Laboratory, and it is going to benefit enormously from this legislation.

What this bill also does, it extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark at the Los Alamos Laboratory.

The set-aside has provided very stable annual funding to the consortium which has permitted technology transfer officers of the various laboratories to work together. The Federal Laboratory Consortium members are linked together electronically, which enables them to help businesses find out what other Federal laboratories have expertise in specific areas.

So my colleagues know, what we are trying to do is get the labs more into economic competitiveness, into commercialization, so that their science can be used commercially for the best economic interests of the country. For example, if an agriculturally oriented business in New Mexico or Tennessee went to the technology transfer officers at Los Alamos with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior could have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors, who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than $2,000 per year. By changing the calculation so that agencies pay inventors the first $2,000 of the royalties receive by the agency for the inventions, as well as 15 percent of the royalties above that amount, the bill provides incentives that these employees can use and give them more equitable compensation.

Finally, this bill clarifies that a Federal laboratory, agency, or department may give, loan, or lease excess scientific equipment to public and private schools and nonprofit organizations without regard to Federal property disposal laws.

Therefore, if for instance Los Alamos or Sandia or any of our national labs wanted to donate unused equipment to a university, it would not have to go through the bureaucratic redtape that is now required. Some labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

This is a good bill, especially a good bill to all of us who have Federal laboratories in our districts, and that is about 14 States around the country and approximately 130 Members of Congress have lab components in their districts. It advocates technology transfer, it creates incentives for Federal inventors, and it makes it easier to donate equipment to needy schools.

I want to commend the author of the bill, the gentleman from Tennessee [Mr. TANNER], I want to commend the gentlewoman from Maryland [Mrs. MORELLA], and I see the fingerprints of the gentleman from California [Mr. BROWN], the former Science chairman, all over this bill.

Mrs. MORELLA. Mr. Speaker, I include in the RECORD a letter dated December 12, 1995 to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, from the administration, Ron Brown, indicating the administration's support of the Fastener Quality Act as it is contained in H.R. 2196.

THE SECRETARY OF COMMERCE,
Washington, DC, December 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter seeking the Administration's position on the amendments to Public Law No. 101–592, the Fastener Quality Act, contained in H.R. 2196, The National Technology Transfer and Advancement At of 1995. The Administration supports the amendments to the Fastener Quality Act included in H.R. 2196.

Again, thank you for your letter. Please let me know if you have any additional questions.

Sincerely,

RONALD H. BROWN.

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

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

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

Mr. BROWN of California. I thank the gentleman for yielding me this time. I would like to engage in a colloquy with the Congresswoman from Maryland [Mrs. MORELLA]. It will cover some of the subjects she has already spoken eloquently about.

There has been concern expressed in parts of the executive branch regarding section 12(d) of this bill which is our committee's codification of OMB Circular A–119 which the gentlewoman has

referred to. I would like to be reassured that the Congresswoman's understanding is consistent with my understanding of the scope of Section 12(d).

First, the term ''voluntary, private sector, consensus standards bodies'' is used throughout the section but is not defined. I assume that the voluntary consensus standards bodies referred to in this section are our nation's standards development organizations such as the American Society for Testing and Materials, the American Society of Mechanical Engineers, the American Petroleum Institute, and the Society of Automotive Engineers and the umbrella organization, the American National Standards Institute.

Mrs. MORELLA. Mr. Speaker, if the gentleman would yield, he is correct. We used voluntary consensus standards in the same manner that it would be used in the engineering and standards communities when they talk about technical, mechanical, or engineering standards. The private sector consensus standards bodies covered by the act are engineering societies and trade associations as well as organizations whose primary purpose is development or promotion of standards. The standards they develop are the common language of measurement, used to promote interoperability and ease of communications in commerce. We meant to cover only those standards which are developed through an open process in which all parties and experts have ample opportunity to participate in developing the consensus embodied in that standard. Our use of the term ''private sector'' is meant to indicate that these standards are developed by umbrella organizations located in the private sector rather than to preclude government involvement in standards development. In fact, it is my hope that this section will help convince the Federal Government to participate more fully in these organizations' standards developing activities to increase the likelihood that the standards can meet public sector as well as private sector needs.

Mr. BROWN of California. I would assume from your comments that you would expect a rule of reason to prevail in the implementation of this section and that new bureaucratic procedures would be inconsistent with the intent of this section.

Mrs. MORELLA. If the gentleman would yield further, that was our intent in beginning the section with the words ''To the extent practicable''. For instance, we would expect Government procurements of off-the-shelf commercial products or commodities to be exempted by regulation from any review under the act. We also do not intend through this section to limit the right of the Government to write specifications for what it needs to purchase. Our focus instead is on making sure the Federal Government does not reinvent the wheel. We are merely asking Federal agencies to make all reasonable efforts to use voluntary, private sector, consensus standards unless there is a significant reason not to do so when developing regulations or describing systems, equipment, components, commodities, and other items for procurement. We expect Government specifications to use the private sector's standards language rather than unique government standards whenever practicable to do so. However, as under OMB Circular A–119, agencies would still have broad discretion to decline to use a voluntary standard if the agency formally determined that the standard was inadequate for government, did not meet statutory criteria, or was otherwise inappropriate.

Mr. BROWN of California. I thank the gentlewoman for her clarification. I agree with the gentlewoman and thank her for her explanations. I hope that they will assist in the interpretation of the meaning of the language of the bill.

□ 1830

Mr. Speaker, with the permission of the gentleman from Tennessee, I would like to make a few concluding remarks with regard to my general support of the legislation.

I do rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which does make significant incremental steps in the proper direction in Federal technology and laboratory policies. Previous speakers have indicated the importance of the Federal laboratories as a part of the Nation's scientific and technological infrastructure, and I would like to reinforce those statements in every way that I can.

I would like to also mention again, because the gentlewoman from Maryland has already mentioned it, that there is nothing in this bill more important than the provision which makes the personnel system at the National Institutes of Standards and Technology permanent. A decade has now passed since the Packard committee recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew.

Then science committee chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has strived under a merit-based clone of progressive private sector personnel systems, and the results are obvious, they are impressive, and they are cheaper than the old way of doing business.

One of the lesser known and least controversial provisions of last year's competitive legislation was our attempt to make the NIST experimental personnel system its permanent one.

I am happy the committee has seen fit to report our provisions unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest, and I want to particularly commend the chairwoman of this subcommittee for persevering in getting through the enactment of this very important piece of our bills.

I am also pleased with the standards provisions in the bill, and I will abbreviate my remarks on that somewhat. But it will do a great deal in rationalizing the procurement of all Federal Government needs, particularly in the Defense Department.

The legislation also makes changes that will be beneficial to NIST, to other Federal labs and to the Federal laboratory consortium, some which have been mentioned by both the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from New Mexico [Mr. RICHARDSON].

I do have some reservations about the process really which led to the inclusion of the Fastener Quality Act amendments in this bill. I do believe that the Fastener Quality Act does need some improvements. This bill provides it, but I was not happy with the process with which this was done. I have criticized this before. I will not belabor it. We have brought this same language to the floor several times. It was defective each time because there was not a process of committee hearings and review which would have corrected some of the problems.

I think, but I am still not sure, that all the problems have been corrected. I sincerely trust this is the case because I know the importance of having a good set of rules on the books to deal with this very important problem.

Having said this mild criticism, I want to make it clear the bill is well worth voting for in almost all respects, statutory proof that the two parties can work closely together on important legislation and, when they do so, as in the present case, the American people emerge the winners.

Mr. Speaker, I rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which makes significant incremental steps in the proper direction in Federal technology and laboratory policy.

I consider nothing in the bill more important than the provision which makes the personnel system at the National Institute of Standards and Technology permanent. A decade has now passed since David Packard's recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew. Then Science Committee Chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has thrived under a merit-based clone of progressive private sector personnel systems and the results are obvious, impressive, and cheaper than the old way of doing business. One of the lesser known and least controversial provisions of last year's competitiveness legislation was our attempt to make the NIST experimental personnel system, its permanent one. I am happy that the Committee has seen fit to report our provision unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest.

I am also pleased with the standards provisions contained in this bill. One of Secretary of

Defense Perry's biggest achievements is his replacement of most of his Department's military specifications with private sector standards. This action may have put a bigger dent to government waste than any other during my tenure in Washington. It is also one of the biggest victories of common sense over business as usual. Why should the government spend the money to design, test, and procure unique parts and equipment in instances where it can be shown equally good ones have stood the test of the commercial marketplace. What Secretary Perry did was reverse the burden of proof. Anyone who wants to develop a standard or a specification now has to justify why private sector standards won't solve the problem. This bill extends the Perry philosophy to all government regulatory and procurement standards using agency heads, OMB, and NIST as those who must be convinced that a problem is so unique that the private sector does not have a solution. This is a problem that our committee worked on during my entire tenure as chairman and I am happy that our current majority leadership is taking our work a step forward.

This legislation also makes changes that will be beneficial to NIST, to the Federal labs, and to the Federal laboratory consortium. Some came from last Congress' Morella-Rockefeller legislation; some came from our competitiveness bill. All are non-controversial and welcome changes.

There is only one cloud on the horizon—one set of actions which cause me to qualify my endorsement of this legislation ever so slightly. This is the unfortunate way in which the complicated issue of the Fastener Quality Act Amendments has been handled which I might say stands in contrast to the care with which the rest of the bill was handled. I regret that the committee did not see fit to hold hearings or publicly seek advice on these complicated changes to a rather important piece of public health and safety legislation. I expect if we had set up hearings and carefully listened to all sides on this issue that we would have ended up with a stronger bill and without the embarrassment of having to make technical changes on the floor, in the committee, and then on the floor again.

That said, I want to make it clear that HR 2196 in my opinion is a bill well worth voting for and in almost all respects statutory proof that the two parties can work closely together on important legislation and when they do so, as in this case, the American people emerge the winners.

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

I have no one else who wishes to speak on this bill, but again I want to reiterate what the gentleman from California [Mr. BROWN] said and the gentleman from Tennessee [Mr. TANNER] had said before in the fact that this is an excellent example of bipartisan working together in the best interests of our country and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our competitiveness.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act of 1995, to the floor.

As chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories. Beginning with the Stevenson-Wydler Technology Innovation Act of 1980, the Science Committee has originated legislation which has stimulated and increased the quality of technology in the United States.

The Stevenson-Wydler Act required Federal laboratories to take an active role in technical cooperation and established technology transfer offices at all major Federal laboratories. The landmark Stevenson-Wydler Act legislation was expanded considerably by the Federal Technology Transfer Act of 1986, which allowed a government-owned, government-operated [GOGO] laboratory staffed by Federal employees to enter into a Cooperative Research and Development Agreement [CRADA] with industry, universities, and others. The National Competitiveness Technology Transfer Act of 1989 extended the CRADA authority to a government-owned, contractor-operated [GOCO] laboratory such as the Department of Energy laboratories.

These acts have permitted the private sector to develop cooperative research and development agreements [CRADA] with our Federal laboratories, thereby providing them access to the expertise of the engineers, scientists, and facility resources of our national labs. In a CRADA, the laboratories can contribute people, facilities, equipment, and ideas, but not funding, while the private sector companies contribute people and funding.

H.R. 2196 provides guidelines that simplify the negotiation of a CRADA—addressing a major concern of private sector companies—and, in the process, gives companies greater assurance they will share in the benefits of the research they fund.

As a result, the act will reduce the time and effort required to develop a CRADA, reduce the uncertainty that can deter companies from working with the Government, and thus speed the transfer and commercialization of laboratory technology to the American public. The act is an important step toward making our Government's huge investment in science and technology—made primarily to carry out important Government missions—more useful to interested commercial companies and our economy.

By rethinking and improving the method our Government conducts its business, without the need to invoke new spending authority, H.R. 2196 signals a new approach to government technology policy legislation.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. When this committee marked up the Fastener Quality Act in 1991, I attached an amendment to form the Fastener Advisory Committee. This committee was to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to $1 billion on the fastener industry.

We attempted in the last Congress to amend the law, but unfortunately, were not successful. We had language pass the House and the Senate; however, the language died in conference.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat certification, mixing of like certified fasteners, and sale of minor non-conformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improved the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation, of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I also support the provisions in the act which relate to standards conformity. The act restates existing authorities for National Institute of Standards and Technology [NIST] activities in standards and conformity assessment and requires NIST to coordinate among Federal agencies, survey existing State and Federal practices, and report back to Congress on recommendations for improvements in these activities.

In addition, the act codifies, OMB circular A–119 requiring Federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs. These provisions are very important since they will have the effect of assisting agencies in focusing their attention on the need to work with private sector, voluntary consensus standards bodies.

As an original cosponsor, I urge support for the passage of H.R. 2196, the National Technology Transfer and Advancement Act.

Mr. DINGELL. Mr. Speaker, the bill being considered today includes numerous amendments to the Fastener Quality Act.

The Committee on Energy and Commerce's Subcommittee on Oversight and Investigations conducted a multiyear, indepth investigation of counterfeit and substandard fasteners that ultimately led to the enactment of the Fastener Quality Act on November 16, 1990. Unfortunately, the regulations implementing the law have not yet been issued by the National Institute on Standards and Technology [NIST] and are now more than 4 years overdue.

During the last Congress, as part of the National Competitiveness Act, amendments to the Fastener Quality Act were passed by the House. The amendments adopted related to heat mill certification and minor nonconformance. In its bill, the Senate included the same amendments, plus an additional amendment that would have permitted commingling at all levels of the industry—from manufacturing through distribution. I, as well as the administration, opposed this amendment because it would seriously undermine safety and accountability under the law. Because efforts to pass the underlying bill were unsuccessful, the fastener amendments were not enacted into law and NIST has made no effort to issue the long overdue implementing regulations.

The bill before us includes amendments on heat mill certification, minor nonconformance, commingling, as well as other amendments. The commingling amendment appears to be more limited in scope than the previous Senate provision and allows purchasers to request

lot traceability. There are additional amendments to the Fastener Quality Act that also appear in the bill. To my knowledge, no hearings have been held on these amendments by any congressional committee nor has any adequate explanation or justification been advanced for these provisions, other than that certain fastener industry interests support them.

I note that Chairman BLILEY recently wrote Chairman WALKER, making it clear that the Commerce Committee has not waived its jurisdictional concerns about the legislation and requesting that members of the Commerce Committee be named as equal conferees on fastener provisions in any ensuing House-Senate conference. I wish to express my support for Chairman BLILEY's request and trust that we will be able to have an opportunity to participate fully in any conference on these issues of great importance to public safety.

Mr. OXLEY. Mr. Speaker, I rise to address the amendments to the Fastener Quality Act which are in H.R. 2196.

The Fastener Quality Act is the result of a 4-year-long study by the Oversight and Investigations Subcommittee of the Committee on Commerce. The statute requires testing and labeling procedures for certain grades of bolts and fasteners subject to high degrees of stress, such as in military and aerospace applications. The requirements of the Fastener Quality Act were designed to prevent the use of substandard bolts in applications where, if they were to fail, death or injury could occur.

The Commerce Committee and the Science Committee have a long history of working together on this act. After the Commerce Committee Oversight and Investigations Subcommittee investigation, our committees worked together to secure passage of this legislation in the 101st Congress and the amendments to the Fastener Act contained in this legislation.

Mr. Speaker, the amendments to the Fastener Quality Act included in this legislation are almost identical to those passed by the House in H.R. 2405 earlier this year. These amendments simply restore the original intent of the Fastener Quality Act. Additionally, they provide for notice and comment on the appropriate threshold standard to assess a significant alteration with respect to the electroplating of fasteners. The Committee on Commerce has no objection to these amendments and urges their adoption.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and pass the bill, H.R. 2196, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2196, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF REMAINING SENATE AMENDMENT TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–399) on the resolution (H.R. 296) providing for consideration of a motion to dispose of the remaining Senate amendment to the bill (H.R. 1858) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–400) on the resolution (H. Res. 297) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VETERANS HOUSING, EMPLOYMENT PROGRAMS, AND EMPLOYMENT RIGHTS BENEFITS ACT OF 1995

Mr. STUMP. Mr. Speaker, I move the House suspend the rules and pass the bill (H.R. 2289) to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2289

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 ''Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995''.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' HOUSING PROGRAMS

SEC. 101. EXTENSIONS OF CERTAIN VETERANS' HOUSING PROGRAMS.

(a) NEGOTIATED INTEREST RATES.—Paragraph (4) of section 3703(c) is amended by striking out subparagraph (D).

(b) ENERGY EFFICIENT MORTGAGES.—Section 3710(d) is amended—

(1) in paragraph (1), by striking out ''to demonstrate the feasibility of guaranteeing'' and inserting in lieu thereof ''to guarantee''; and

(2) by striking out paragraph (7).

(c) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking out ''1995'' and inserting in lieu thereof ''2000''.

(d) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f) is amended by striking out paragraphs (3), (4), and (5).

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735 is amended by striking out subsection (c).

SEC. 102. CODIFICATION OF REPORTING REQUIREMENTS AND CHANGES IN THEIR FREQUENCY.

(a) CODIFICATION OF HOUSING RELATED REPORTING REQUIREMENTS.—(1) Chapter 37 is amended by adding after section 3735 the following new section:

''§ 3736. Reporting requirements

The annual report required by section 529 of this title shall include a discussion of the activities under this chapter. Beginning with the report submitted at the close of fiscal year 1996, and every second year thereafter, this discussion shall include information regarding the following:

''(1) Loans made to veterans whose only qualifying service was in the Selected Reserve.

''(2) Interest rates and discount points which were negotiated between the lender and the veteran pursuant to section 3703(c)(4)(A)(i) of this title.

''(3) The determination of reasonable value by lenders pursuant to section 3731(f) of this title.

''(4) Loans that include funds for energy efficiency improvements pursuant to section 3710(a)(10) of this title.

''(5) Direct loans to Native American veterans made pursuant to subchapter V of this chapter.''.

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 3735 the following new item:

''3736. Reporting requirements.''.

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.—The Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 106 Stat. 3633) is amended by striking out sections 2(c), 3(b), 8(d), 9(c), and 10(b).

SEC. 103. JOB PLACEMENT FOR HOMELESS VETERANS.

(a) HOMELESS VETERANS EMPLOYMENT PROGRAM.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended—

(1) in subparagraph (A), by striking out ''1993'' and inserting in lieu thereof ''1996'';

(2) in subparagraph (B)—

(A) by striking out ''$12,000,000'' and inserting in lieu thereof ''$10,000,000'', and

(B) by striking out ''1994'' and inserting in lieu thereof ''1997''; and

(3) in subparagraph (C)—

(A) by striking out ''$14,000,000'' and inserting in lieu thereof ''$10,000,000'', and

(B) by striking out ''1995'' and inserting in lieu thereof ''1998''.

(b) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 739(a) of such Act (42 U.S.C. 11448(a)) is amended by striking out ''fiscal years 1994 and 1995'' and inserting in lieu thereof ''fiscal years 1996, 1997, and 1998''.

(c) EXTENSION OF PROGRAM.—Section 741 of such Act (42 U.S.C. 11450) is amended by striking out ''1995'' and inserting in lieu thereof ''1998''.

TITLE II—VETERANS' EMPLOYMENT AND TRAINING

SEC. 201. REGIONAL OFFICES FOR VETERANS' EMPLOYMENT AND TRAINING.

Paragraph (1) of section 4102A(e) is amended to read as follows:

''(1) The Secretary of Labor shall assign regional administrators for Veterans' Employment and Training in such regions, which may not be less than five in number, as the Secretary may determine are necessary for the effective administration of the Veterans' Employment and Training Service. Each regional administrator appointed after the date of the enactment of the Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995 shall be a veteran.''.

SEC. 202. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out ''full-time Federal clerical support'' and inserting in lieu thereof ''full-time Federal clerical or other support personnel''; and

(2) in the third sentence, by striking out ''Full-time Federal clerical support personnel'' and inserting in lieu thereof ''Full-time Federal clerical or other support personnel''.

SEC. 203. DIRECTORS AND ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Subparagraph (B) of section 4103(b)(1) is amended to read as follows:

''(B) A person who serves in the position of Director for Veterans' Employment and Training or Assistant Director of Veterans' Employment Training for any State for not less than two years is eligible for appointment as such a Director or Assistant Director for any State, regardless of the period of the person's residence in that State.''.

SEC. 204. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor is authorized to conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary is authorized to suspend or limit application of those provisions of chapter 41 (other than sections 4104 (b)(1) and (c)) of such title that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of chapter 41, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) One year after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term ''veteran'' has the meaning given such term by section 101(2) of title 38, United States Code;

(2) the term ''disabled veteran'' has the meaning given such term by section 4211(3) of such title; and

(3) the term ''active military, naval, or air service'' has the meaning given such term by section 101(24) of such title.

(g) AUTHORIZATION.—There is authorized to be appropriated for the pilot program, in the States designated by the Secretary of Labor pursuant to subsection (d), the amount allocated to such States under section 4102A(b)(5) of title 38, United States Code, for fiscal years 1996, 1997, and 1998.

(h) EXPIRATION DATE.—Except as provided by subsection (e), this section shall expire on October 1, 1998.

TITLE III—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 301. PURPOSES.

Section 4301(a)(2) is amended by striking out ''under honorable conditions''.

SEC. 302. DEFINITIONS.

Section 4303(16) is amended by inserting ''national'' before ''emergency''.

SEC. 303. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

''(c) An employer shall be considered to have engaged in actions prohibited—

''(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

''(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

''(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C).''.

SEC. 304. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out ''who is absent from a position of employment'' and inserting in lieu thereof ''whose absence from a position of employment is necessitated''.

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

''(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or because of a national emergency declared by the President or the Congress as determined by the Secretary concerned;''.

(c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—Section 4312(d)(2)(C) is amended by striking out ''is brief or for a nonrecurrent period and without a reasonable expectation'' and inserting in lieu thereof ''is for a brief, nonrecurrent period and there is no reasonable expectation''.

(d) CONFORMING AMENDMENTS TO REDESIGNATIONS IN TITLE 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out ''section 270'' and inserting in lieu thereof ''section 10147''; and

(2) in paragraph (4)—

(A) by striking out ''section 672(a), 672(g), 673, 673b, 673c, or 688'' in subparagraph (A) and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, or 12305'';

(B) by striking out ''section 673b'' in subparagraph (C) and inserting in lieu thereof ''section 12304''; and

(C) by striking out ''section 3500 or 8500'' in subparagraph (E) and inserting in lieu thereof ''section 12406''.

SEC. 305. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out ''uniform services'' in clause (A)(ii) and inserting in lieu thereof ''uniformed services''; and

(2) by striking out ''of lesser status and pay which'' and inserting in lieu thereof ''which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which''.

SEC. 306. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: ''No employer may require any such person to use vacation, annual or similar leave during such period of service.''.

SEC. 307. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out ''(a)(1)(A) subject to paragraphs (2) and (3), in'' and inserting in lieu thereof ''(a)(1) In'';

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 308. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out ''services,'' and inserting in lieu thereof ''services, such payment period''.

SEC. 309. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) TECHNICAL AMENDMENT.—The second sentence of section 4322(d) is amended by inserting ''attempt to'' before ''resolve''.

(b) NOTIFICATION.—Section 4322(e) of is amended—

(1) in the matter preceding paragraph (1), by striking out ''with respect to a complaint under subsection (d) are unsuccessful,'' and inserting in lieu thereof ''with respect to any complaint filed under subsection (a) do not resolve the complaint,''; and

(2) in paragraph (2), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''.

SEC. 310. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out ''of an unsuccessful effort to resolve a complaint''; and

(2) in paragraph (2)(A), by striking out ''regarding the complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

SEC. 311. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) REFERRAL.—Section 4324(a)(1) is amended by striking out ''of an unsuccessful effort to resolve a complaint relating to a Federal executive agency''.

(b) ALTERNATIVE SUBMISSION OF COMPLAINT.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(2) in paragraph (1), by striking out ''regarding a complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

(c) RELIEF.—Section 4324(c)(2) is amended—

(1) by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(2) by striking out ''employee'' and inserting in lieu thereof ''Office''.

SEC. 312. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out '', alternative employment in the Federal Government under this chapter,''; and

(2) by striking out ''employee'' the last place it appears and inserting in lieu thereof ''employees''.

SEC. 313. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting ''have reasonable access to and the right to interview persons with information relevant to the investigation and shall'' after ''at all reasonable times,''.

SEC. 314. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: ''Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act.''; and

(2) in paragraph (4), by striking out ''such period'' and inserting in lieu thereof ''such 60-day period''.

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out ''person on active duty'' and inserting in lieu thereof ''person serving a period of service in the uniformed services''.

SEC. 315. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by section 304(d) shall take effect as of December 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2289, the bill now under consideration.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 2289, would make improvements to several veterans benefit programs.

These would: Extend several VA home loan and housing programs; reduce VA reporting requirements; streamline the operations of the veterans employment and training service; and clarify many of the provisions of the Uniformed Services Employment and Reemployment Rights Act.

Under pay-as-you-go budget rules, this bill would save $14 million over the next 3 fiscal years.

As always, I want to thank the VA Committee's ranking member, my distinguished colleague and good friend, SONNY MONTGOMERY for his hard work and assistance on this bill.

I also want to thank the chairman of the Education, Employment, Training and Housing Subcommittee, STEVE BUYER, and the subcommittee's ranking member, MAXINE WATERS, for their bipartisan work on this measure.

They worked in a very constructive fashion with other members of the committee to resolve differences of opinion and accommodate members' desires in regard to this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], chairman of the Subcommittee on Education, Training, Employment and Housing.

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

Mr. Speaker, H.R. 2289 contains provisions affecting various veterans' benefits. Title I makes several VA home loan pilot programs permanent.

To share with the colleagues, in particular, loans for energy-efficient home improvements, the ability of veterans to negotiate interest rates, the ability of the VA to package its portfolio for resale in the secondary market, automatic review of appraisals by lenders and continuation of authority to provide for foreclosed properties to community homeless providers, and it reduces reporting requirements on VA loan programs.

I would also ask my colleagues to, please, note that the President's budget did not call for an extension of the VA adjustable rate mortgage program. However, the committee looked at that program and of consideration, approved it. Prior to the passage of the committee, the CBO estimated that the ARM cost would be zero. After the committee's passage, CBO reestimated the ARM cost at $37 million dollars. Clearly, we could not find the offset. Therefore, the extension of the VA adjustable rate mortgage program is not in this bill.

However, the Committee on Veterans' Affairs will continue to work to find a way to reauthorize the program.

H.R. 2289 will also rename and promote the homeless veterans' reintegration project. Although the project is unfunded this year, it is important to keep alive so that the Department of Labor can fund it out of its resources.

Title II of this bill focuses on the veterans' employment and training service, VETS. The changes in the law will assist the VETS program in streamlining its approach to finding jobs for veterans and improve the service at the same time. This portion of the bill will,

first, reduce the number of regional administrators; second, broaden the support staff responsibilities; third, amend the residency requirements for Federal directors of veterans' employment and training stations in the States. Providing that flexibility is important. And, authorize, fourth, authorize a pilot program to test the VETS participation in the one-stop employment centers.

Title III of this bill makes several technical improvements to the Uniformed Services Employment and Reemployment Rights Act that was passed in the 103d Congress. The changes specifically would clarify the employee and employer responsibilities, the time periods covered by the law, and also clarifies issues such as health care and pension benefits while called to active duty, and define what constitutes both discrimination and reprisal under the law.

Mr. Speaker, I would like to give special recognition to the chairman of the committee and the ranking member for their continued leadership and also the distinguished ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS]. During work on the reemployment rights portion of the bill, she offered an amendment that was very constructive that significantly improved a large portion of title III of the bill. I appreciate her efforts and thank her for the bipartisan way in which she has worked with me on this bill.

I also thank my colleagues in the Subcommittee on Education, Training, Employment and Housing for their dedication on behalf of veterans.

It is a pleasure to bring this bill to the floor and to note that it streamlines the process and saves money.

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

I rise in strong support of H.R. 2289, a measure which would make permanent certain veterans' housing programs, improve, Mr. Speaker, the veterans' employment and training programs, and further improve and clarify veterans' reemployment rights. The veterans' housing and employment programs we have enacted in the last several Congresses are working well. This bill extends the VA authority to make housing loans, a very important benefit for the veteran and for the active-duty personnel.

Mr. Speaker, we are encouraging in this bill and in other legislation to get active-duty persons to use their veterans' home benefits. When they are on active duty, they are veterans, and they still have the privilege of using some of these home loans.

It also allows changes in our veterans' employment programs to go forward. Fewer resources and less staff personnel means these programs must streamline and become more efficient. H.R. 2289 authorizes these necessary changes.

I do want to commend the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Training, Employment and Housing, and also the Ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS], and all members of the subcommittee for really developing an excellent bill.

I also want to thank my good friend, the gentleman from Arizona [Mr. STUMP], for brining this measure to the floor. This bill will help veterans, and I urge my colleagues to support it.

Mr. Speaker, I will yield such time as she may consume to the gentlewoman from California [Ms. WATERS], the ranking member of the subcommittee.

□ 1845

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me time and for all of his work and support on this and all of the legislation on behalf of veterans in the Committee on Veterans Affairs.

Mr. Speaker, I, too, rise in strong support of H.R. 2289. Title I of this measure will greatly enhance the ability of veterans to purchase the home of their choice. I am, however, disappointed that we were forced to drop the section which would have extended the VA Adjustable Rate Mortgage [ARM] program. Unfortunately, CBO changed their cost estimate and, two days after the full committee markup, told us we have to come up with over $30 million to fund the ARM. We simply do not have those funds. I fully intend to work with the subcommittee chairman on this matter, however, and expect we will revisit this issue in the future.

The provisions of title II will improve the implementation and administration of veterans' employment programs. I am particularly pleased the bill includes an amendment I offered which would authorize the Secretary of Labor to conduct a pilot program under which the responsibilities of Local Veterans' Employment Representatives [LVER's] would be redirected to focus on case management and direct service to veterans.

Last year, the committee extensively revised chapter 43 of title 38, which provides employment and reemployment rights for members of the uniformed services. Public Law 103–353, the Uniformed Services Employment and Reemployment Rights Act of 1994, was signed into law on October 13, 1994. Because of the complex and technical nature of this measure, the committee anticipated that technical and clarifying amendments would be necessary. Title II of H.R. 2289 responds to the issues and concerns that have thus far been brought to the attention of the committee.

Mr. Speaker, I want to thank the chairman of the subcommittee, my colleague, STEVE BUYER, for the cooperative, bipartisan spirit with which he has conducted the business of the subcommittee. We have had a good year, and the veterans of our Nation will benefit from our joint efforts.

H.R. 2289 is an excellent bill. I am proud of the work we have done on this measure, and I hope our colleagues will support H.R. 2289.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

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

Mr. Speaker, I am pleased to rise today in strong support of H.R. 2289, the Veterans Housing and Educational Benefits Act of 1995, and I commend its sponsor, the gentleman from Indiana, Mr. BUYER, as well as Mr. STUMP, the chairman of the House Veterans' Affairs Committee and the committee's ranking member, Mr. MONTGOMERY for their dedicated work on this important veterans measure.

This bill, H.R. 2289 provides permanent authorization for negotiated interest rates, energy efficient mortgages, and extends the VA's authority for enhanced loan asset sales for an additional 5 years in VA loan programs. This change will improve the secondary market of VA-backed mortgages and thereby eliminates the need for future VA servicing.

Where this bill provides great assistance for our Nation's veterans is in the area of the provision of housing assistance for homeless veterans and for employment services for those who have sacrificed so much for the freedoms we hold so dear.

For our homeless veterans this bill provides $10 million per year to assist them in their plight. For our veterans competing in an increasingly competitive employment market this measure requires the Secretary of Labor to maintain no fewer than five veterans employment and training facilities with which to assist our job training efforts for our veterans.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this important measure which will provide further educational and housing support for our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield myself one minute.

Mr. Speaker, I do so only to point out to the House that the gentleman from Arizona, Chairman STUMP, and I have sent each Member of the House of Representatives a letter pointing out that he and I have been notified by the VA officials that if either the VA–HUD appropriations bills or a continuing resolution has not been passed by December 21, the Veterans Administration says the checks for veterans will be delayed. So I think Members should know that.

We are talking about 2.5 million veterans getting their checks delayed. It is a 2.6-percent cost-of-living increase in those checks. So I certainly hope that the House and the Senate and the President of the United States can get

together and we will not delay these veterans' checks as well as other checks that go to people in this country.

Mr. Speaker, this is a fine bill, and I ask support of the House.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2289, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON INQUIRY INTO VARIOUS COMPLAINTS FILED AGAINST REPRESENTATIVE NEWT GINGRICH

Mrs. JOHNSON of Connecticut, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 104–401) on the inquiry into various complaints filed against Representative NEWT GINGRICH, which was referred to the House Calendar and ordered to be printed.

STATEMENT ON REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, today, at the direction of the Committee on Standards of Official Conduct, I have introduced a resolution which eliminates one of the few exceptions to House Rules regarding outside earned income.

As you know, the Rules of the House now restrict the amount of outside income a Member or senior staffer may earn to $20,040 per year. However, copyright royalties and book advances are exempted from this restriction. A Member may publish a book and receive a large cash advance and unlimited royalties.

The resolution introduced today would amend rule 47 of the Rules of the House of Representatives so as to prohibit advances and treat copyright royalties as earned income subject to the $20,040 yearly cap. The new restriction would apply to royalties earned after December 31, 1995, for any book published after the beginning of House service, and would prohibit the deferral or royalties beyond the year in which earned.

It is the committee's hope that this resolution will be considered and approved this year.

As with our necessary reforms, this proposal may cause some momentary financial hardship in individual cases, or even delay the communication of useful ideas. In the long run, however, this proposal, by preventing the perception that book contracts are offered or their terms altered in deference to a Member's position rather than as a reflection of the book's content, will bring added attention to whatever ideas we may put forth.

As has passage of the gift rule resolution and, hopefully, other reform initiatives, this change in our House rules will assure that our actions—both in fact and perception—merit public confidence.

BANK INSURANCE FUND AND DEPOSITOR PROTECTION ACT OF 1995

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1574) to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

The Clerk read as follows:

H.R. 1574

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 ''Bank Insurance Fund and Depositor Protection Act of 1995''.

SEC. 2 DEFINITION OF DEPOSIT.

Section 3(l)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)(5) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) any liability of an insured depository institution that arises under an annuity contract, the income of which tax deferred under section 72 of the Internal Revenue Code of 1986.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any liability of an insured depository that arises under an annuity contract issued on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1574.

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

There was no objection.

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

Mr. Speaker, as chairmwoman of the Financial Institutions & Consumer Credit Subcommittee I would like to commend you and my colleagues for considering H.R. 1574, The Bank Insurance Fund and Depositor Protection Act of 1995, on the suspension calendar.

H.R. 1574 is a bill with broad bipartisan support that would clarify that a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We strongly believe these instruments could pose serious safety and soundness for banks that issue them.

Last year, certain banks received the authority to offer these retirement CDs. Banks that intend to offer them claim these instruments combine the tax-deferred income accumulation and lifetime payout features of a traditional annuity with the Federal deposit insurance guarantee normally associated with bank certificates of deposits [CDs].

The problem is that the lifetime payment feature of the retirement CD exposes the issuing bank to a potential liability with an unknown duration raising safety and soundness issues. In addition, any deferred payments above the amount in the deposit account at maturity will not be federally insured. This is misleading to bank customers.

There is no reason for the Federal Government to forego currently taxing the income produced by an annuity product while at the same time guaranteeing the payment of the principal plus the untaxed interest. This would constitute an expansion of the Federal deposit insurance net and, once again, raises serious safety and soundness concerns. Furthermore, the FDIC has indicated that they are neutral on the matter and understand that expanding the insurance net to these or similar products could have some unknown consequences.

In addition, the Internal Revenue Service has raised other concerns about the instrument's tax-deferred status. After reviewing the components of the retirement CD, the IRS proposed to strip it of its tax-deferred status. Under U.S. tax law, the IRS believes that any favorable tax treatment for these instruments should be eliminated.

In addition, the Congressional Budget Office carefully scrutinized this product and noted, in particular, that, and I quote, that substantial uncertainty exists about its potential tax consequences. The CBO concluded that, taken as a whole, the enactment of H.R. 1574 should result in no significant budgetary impact, and therefore support the bill.

As I stated earlier, this legislation has strong bipartisan support to ban these questionable products. There is strong agreement that these instruments place the insurance industry at a competitive disadvantage, as well pose serious disclosure problems for bank depositors.

Finally, it is worth noting that this bill has companion legislation in the Senate, where it too, has broad support

on both sides of the aisle. Given the time constraints that the House is presently under, I appreciate the bipartisan support on this legislation, and urge its adoption.

Mr. Speaker, I include for the RECORD the memorandum I referred to earlier.

NOVEMBER 21, 1995.

Memorandum

To: Steve Johnson, House Banking Committee.

From: Mary Maginniss, Congressional Budget Office.

Subject: H.R. 1574.

As requested, I have reviewed H.R. 1574, the Bank Insurance Fund and Depositor Protection Act of 1995. The bill would amend the Federal Deposit Insurance Act to exclude certain bank products—retirement certificates of deposits—from the definition of a deposit. This exclusion would mean that a bank or thrift would not pay insurance premiums on these liabilities, but neither would the retirement certificate of deposits (CDs) be protected by deposit insurance if an institution were to fail. Based on this review, I would expect that enacting H.R. 1574 would not result in any significant budgetary impact.

Retirement certificates of deposits combine features of a traditional certificate of deposit (CD) with certain payment terms and tax advantages of an annuity contract. The market for annuities with a known maturity is substantial—over $1.6 trillion is outstanding—and the retirement (CD) has been licensed to 12 banks. Nonetheless, the retirement CD has had very limited sales to date. In particular, substantial uncertainty exists about its potential tax consequences. The Internal Revenue Service has issued a proposed ruling that would limit the tax advantage of the retirement CD; a final decision is expected early next year.

Assuming that the final ruling is consistent with the proposed rule, demand for the product would be limited because without the tax advantage, sales of retirement CDs would be expected to have little appeal. CBO projects that the liabilities of banks and thrifts would include few retirement CDs, and only a negligible amount of the premiums such institutions pay for deposit insurance in the future would be to cover losses in retirement CDs. Similarly, I expect the deposit insurance funds to face minimal risk of reimbursing the few depositors who might own retirement CDS in the event of a future bank failure. As a result, enactment of H.R. 1574 should result in no significant budgetary impact.

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

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

Mr. Speaker, I, as a cosponsor of the legislation, rise in support of this measure and commend the gentlewoman from New Jersey [Mrs. ROUKEMA], our subcommittee chairwoman, for her effort on this matter. This is a bipartisan matter that would clarify that the bank products known as retirement CD's are not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus a significant liability to the U.S. taxpayers.

As my colleagues may be aware, recently several bank and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This has raised serious questions and concerns within the Congress, the Internal Revenue Service, and with those engaged in the business and enterprise providing retirement products without the benefit of Federal deposit insurance.

Mr. Speaker, this is a $1 trillion industry. I think that most of us understand that it has been operating for years without deposit insurance. Those that engage and invest in such instruments take some risk in the process. I do not think it is necessary for the deposit insurance system to be involved in this particular enterprise. As a consequence, I think if we are going to do that, we ought to do it on an affirmative basis.

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That we ought to, in fact, extend the deposit insurance and say we are now going to fold the insurance aspect of anmnities into banks and give them that power and defer the taxation and deal with it on that basis. That, clearly, is not the decision that should be made on an ad hoc basis without the involvement of Congress.

I think most of us have in the background of our mind problems that financial institutions have experienced in recent years, which has involved, obviously, a significant outlay of taxpayers dollars to deal with the shortfalls in terms of deposit insurance funds.

With this in mind, and with the idea that we are working in collaboration and in coordination with, in fact, tax policies and laws, Mr. Speaker, I, of course, rise in support and ask Members to support this important measure.

I yield myself such time as I may consume. As a cosponsor of this legislation, I rise in support of H.R. 1574 and commend our subcommittee chairwomen MARGE ROUKEMA for her effort on this matter. H.R. 1574 is of course a bipartisan bill that would clarify that a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus, a significant liability to U.S. taxpayers.

As my colleagues may be aware, recently, several banking and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax-deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This raised serious concerns within the Congress, the Internal Revenue Services and with those engaged in the business and enterprise of providing retirement products without the benefit of federal deposit insurance.

There is not a solid public policy basis for the Federal Government to forego currently taxing the income produced by an annuity product and at the same time guaranteeing the payment of the principal plus the untaxed interests in a differential manner to other retirement annuities. The annuity market works without the need for Federal deposit insurance guarantees, and there is no reason for the Federal deposit insurance funds to be extended to cover the risk of this trillion dollar market. If it is the congressional policy and loan judgment to extend deposit insurance to such products, then that ought to be a positive decision not an ad hoc action by individual financial institutions.

I would note for the record that from the beginning, we have stressed that the language of the bill does not prevent anyone from offering this product. It simply provides that annuity contracts issued by insured depository institutions on which the income is tax deferred shall not be considered as deposits eligible to receive FDIC deposit insurance coverage.

The U.S. Internal Revenue Service has issued proposed rules making clear that certain bank-issued annuities are not entitled to Federal tax deferral. For products which are determined to be subject to such rules, H.R. 1574 should not have any effect. Unless the product receives tax deferral as an annuity, H.R. 1574 would not be applicable. Thus there is no conflict, duplication, or inconsistency between the prospective IRS ruling expected sometime in the spring of next year and the legislation before us today. The two policies should compliment each other.

We need to enact this legislation now, before Deposit Insurance retirement CD's proliferate, thus exposing the FDIC deposit insurance to the potential of inordinate risk and expenditures in the future. I urge my colleagues to support this legislation and reserve the balance of my time.

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

Mrs. ROUKEMA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER], a member of the committee.

Mr. CHRYSLER. Mr. Speaker, I rise in support of H.R. 1574, as a cosponsor of the Bank Insurance Fund and Depositor Protection Act. This bill, introduced by my colleague on the Committee on Banking and Financial Services, the gentlewoman from New Jersey, Congresswoman MARGE ROUKEMA, would amend the Federal Deposit Insurance Act to exclude from deposit insurance eligibility a select class of investments known as retirement certificates of deposit. This issue is not related to the banks selling insurance discussions, which are presently underway.

Mr. Speaker, I have no objections to banks offering this product. However, I believe these retirement CD's should not be covered under FDIC insurance. There is an uneven playing field when one entity can sell a product, for example the retirement CD's, with FDIC insurance, and another entity can only sell the products without taxpayer-backed insurance.

Mr. Speaker, I would like to commend the gentlewoman from New Jersey [Mrs. ROUKEMA] on her efforts to have this bill reach the floor. I also want to thank the majority leader for placing this bill on a very crowded congressional calendar. I have high hopes

that the other body will act on this important legislation in a timely manner.

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

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

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

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me time, and with due respect to her and to the gentleman from the other side, I have some questions, at least, about this legislation. I do not intend to oppose it at this time, but the bottom line is that I have looked at this with some degree of care, and I have learned some interesting facts about it.

For example, the Office of the Comptroller of the Currency, which, of course, is the regulatory agency for national banks, has confirmed that national banks have authority to issue the retirement CD under the expressed statutory powers of the National Bank Act, and the FDIC has ruled that the retirement CD qualifies as an insured deposit under the Federal Deposit Act.

It also has been supported, and I assume still is, by the American Bankers Association, the Independent Bankers Association of America, Independent Bankers Associations of various States, and America's community bankers. In fact, the small community banks have found this as a very good asset to be able to offer to their customers, and, as a result, are very supportive of it.

Mr. Speaker, I have heard the arguments here, and have heard them before, concerning the issue of deposit insurance. And while I do not know enough about that to be able to argue it vehemently with anybody, I would suggest that that is a bit of a gray area in terms of what could or could not be done.

Obviously, insurance companies and others who might issue annuities of a different sort might be opposed to this, but I am concerned that we are rushing forward. I must note this piece of legislation did not go through any subcommittee or committee markup at all. I do not even know if it went through any hearings at all at that level. So, as a result, I think we need to post on the RECORD someplace that there perhaps is another side to this and some questions that need to be raised.

So having said that, hopefully, before it is all said and done, whatever legislation comes out of this will be something which is correct and which is in the best interest of all aspects of the community dealing with it.

Mr. KANJORSKI. Mr. Speaker, as an original cosponsor of H.R. 1574, the Bank Insurance Fund and Depositor Protection Act, I rise in strong support of this legislation, and I urge all my colleagues to support it.

It is entirely appropriate that H.R. 1574 is on the Suspension Calendar today, because it is genuinely bipartisan legislation, introduced by Congresswoman MARGE ROUKEMA, the chair of the Financial Institutions Subcommittee, along with the ranking Democratic member of the subcommittee, Congressman BRUCE VENTO, myself, and Congressman BILL MCCOLLUM of Florida.

I want to commend Chairwoman ROUKEMA, as well as full committee Chairman JIM LEACH and full committee and subcommittee ranking members HENRY GONZALEZ and BRUCE VENTO, for their bipartisan cooperation on this legislation. If all legislation considered by the 104th Congress was handled in such a cooperative, bipartisan fashion, we would not be facing gridlock on the budget and so many other issues.

H.R. 1574 is a very short, and simple bill. It is designed to permanently close a loophole which crafty lawyers attempted to use to create an insurance product, commonly known as a retirement CD, with both Federal deposit insurance and special tax-deferred status.

Fortunately, the effort to create this kind of unique retirement CD was largely thwarted by the eagle eyes of the Internal Revenue Service, which has correctly issued proposed rules stipulating that such instruments should not be allowed special tax-deferred status.

While the IRS' action has put a halt to the proliferation of these retirement CD's, there are other important policy reasons why their inssuance should not be allowed.

First, they expose federally insured financial institutions to potential liabilities of unknown size which raises safety and soundness concerns for the institutions and the Federal Deposit Insurance Corporation's deposit insurance fund. If Federal deposit insurance for retirement CD's is allowed, the Federal Government would, in effect, become the guarantor of which is now a private pension system. The deposit insurance system should not take on this enormous contingent liability.

Second, the unusual hybrid nature of these instruments, which combine features of traditional uninsured insurance annuities with certificates of deposit, raises serious disclosure issues for consumers who may not understand what they are purchasing and the extent to which it is insured by the FDIC. The FDIC has determined, for example, that deposit insurance coverage would not extend to the lifetime payment feature of such products, because that could constitute a liability substantially in excess of the amount on deposit. This is the kind of nuance most consumers would not understand.

Third, the issuance of these certificates could create an unlevel playing field in which insurance companies are at a severe competitive disadvantage to banks because bank annuity products would be insured by the FDIC, while annuity products offered by insurance companies would not. The market for traditional annuities already exceeds $1.5 trillion, and was $125 billion in 1993 alone. This makes it clear that neither banks nor insurance companies need Federal deposit insurance to induce customers to purchase annuities.

It is for these reasons that the bipartisan leadership of the House Banking Committee believes that this loophole needs to be permanently closed. H.R. 1574 accomplishes this goal by specifically defining this kind of product as ineligible for Federal deposit insurance.

It is important to note, Mr. Speaker, that H.R. 1574 does not preclude anyone from offering this kind of product for sale. It merely stipulates that annuity contracts issued by insured depository institutions on which the income is tax deferred are not simultaneously eligible for Federal deposit insurance.

Mr. Speaker, it is important that we act now, to clear the air, before these kinds of products proliferate. Companion legislation, S. 799, has been introduced by a bipartisan group in the other body, Senator AL D'AMATO, chairman of the Senate Banking Committee, and Senator CHRIS DODD. Consequently there is good reason to believe that if the House approves H.R. 1574 it will be favorably considered by the Senate.

Mr. Speaker, we all learned as children that you can't have your cake and eat it too. That is exactly what the creators of the retirement CD wanted to do, they wanted to create a tax-deferred annuity which also had Federal deposit insurance. H.R. 1574 simply tells them they have to choose one Federal benefit or the other, but they cannot have both. H.R. 1574 is fair, it is equitable, and it should be supported by all Members.

Mrs. ROUKEMA. Mr. Speaker, those who have requested time are not here on the floor at this moment, so I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1574.

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

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 117) concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, as amended.

The Clerk read as follows:

H. CON. RES. 117

Whereas Wei Jingsheng is a writer, political philosopher, and human rights advocate who is widely known and respected in China and throughout the world;

Whereas on November 21, 1995, the Government of the People's Republic of China announced the arrest of Wei Jingsheng and its intention to try him for ''attempt[ing] to overthrow the government'';

Whereas prior to this announcement Wei had been detained since April 1994 without formal charges or the opportunity to communicate with his family or with legal counsel, in violation of Article 9 of the Universal Declaration of Human Rights and other international standards prohibiting arbitrary arrest and detention;

Whereas the government had previously imprisoned Wei from 1979 until 1993 on a charge of ''spreading counterrevolutionary propaganda'' for his peaceful participation in the Democracy Wall movement;

Whereas Wei's analysis of democracy in 1979 as a necessary ''fifth modernization'' was an important theoretical and practical contribution to the movement for freedom and democracy in China and also to modern political philosophy;

Whereas during his long imprisonment Wei was subjected to beatings and other severe ill treatment which left him in extremely poor health;

Whereas after his release in 1993 Wei devoted his time to humanitarian activities, including visiting and assisting the families of victims of the June 4, 1989, massacre at Tiananmen Square, as well as the surviving victims themselves, and assisting the civilian effort to secure compensation for damages caused to the Chinese people by the Japanese Government during World War II;

Whereas, far from advocating an ''overthrow'' of the Government of China, Wei has been a strong advocate of nonviolence and a peaceful transition to democracy;

Whereas Wei was regarded as a leading candidate for the 1995 Nobel Peace Prize, having been nominated by parliamentarians throughout the world, including 58 members of the United States Congress;

Whereas Wei was also the recipient of the 1995 Olaf Palme Foundation Award, the 1994 Robert F. Kennedy Human Rights Award, and the 1993 Gleitsman Foundation International Activist Award; and

Whereas because of his great courage, the force of his ideas, and his long unjust imprisonment Wei has come to embody the aspirations of the people of China for democracy and for the enjoyment of free speech and other universal and inalienable human rights, and his fate has come to symbolize their fate: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress—

(1) urges the immediate and unconditional release of Wei Jingsheng;

(2) urges, in the event Wei Jingsheng is not immediately released, that he be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice, to assist in the preparation of his defense, and to communicate with his family, and that his trial be open to the domestic and foreign press, to diplomatic observers, and to international human rights monitors;

(3) urges the United States Department of State to make the release of Wei Jingsheng and the protection of his internationally recognized human rights a particularly important objective in relations with the Government of China, and that it raise these issues forcefully and effectively in every relevant bilateral and multilateral forum; and

(4) recognizes that the efforts of Wei Jingsheng once again merit careful consideration for the Nobel Peace Prize in 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 117 and I commend the chairmen and ranking minority members of the Asia and Pacific and International Organizations and Human Rights Subcommittees for expeditiously marking up this resolution. I especially commend the gentleman from New Jersey [Mr. SMITH], for crafting House Concurrent Resolution 117.

During this past summer we were told by the administration that there was a cloud over United States-Sino relations because the Congress insisted that President Lee of Taiwan be allowed to enter the United States. But the storm developed many years ago when the Communist Party took control of China. The so-called cloud was just a smoke ring blown to deflect attention from the root of the problem; democracies and dictatorships are fundamentally different and will always clash.

The case of Wei Jingsheng—Way Ching Shung—is just the tip of an iceberg. According to Asia Watch there are over a thousand peaceful prodemocracy activists imprisoned in China and Tibet. Let us not overlook the hundreds of Christian priests and even a bishop some of whom are serving lengthy terms in prison for just practicing their faith.

Beijing is notorious for arresting and imprisoning high profile prodemocracy advocates so that it can be rewarded for releasing them later. The First Lady went to Beijing to attend the women's conference after American citizen Harry Wu was released after his illegal arrest. Wei Jinsheng was released after serving nearly 15 years in prison in September 1994 so that China would have a better chance at hosting the world olympics in the year 2000. He was arrested again in February 1994, and has not been heard from since, after meeting with assistant secretary of human rights John Shattuck, in February 1994.

The arrest, release, arrest, release cycle has worked to Beijing's advantage, so we should not be surprised that Wei is going on trial. The trial could be linked to the upcoming discussion at the U.N. subcommission on human rights regarding China's human rights record.

Over the last 5 years in which MFN for China has been debated, the Chinese have engaged in a pattern of releasing prominent dissidents. We have also seen this cynical action taken just before bilateral trade talks. Recently the administration has always jumped at the opportunity to use the prison release as a fig leaf for deflecting substantive action.

Whenever an effort is made by the Congress to have China abide by bilateral agreements on trade, human rights, prison labor, or weapons proliferation we are told that ''now is not the time. . . . there is a political transition period underway in China and if we take any strong action we will be strengthening the hand of the hardliners in Beijing.''

In addition to the concern about transition periods, the administration sweeps aside China's violations of its many accords and agreements with the United States by dismissing enforcement as an attempt to isolate or contain China.

Accusations and concerns about isolation, containment and transition periods are broad brush-stroke generalizations that avoid the hard question of how to deal pragmatically and effectively with a totalitarian Government that has enormous resources to cause havoc.

Until we hold China accountable for what it does, our response to Beijing's egregious behavior will be manipulated by these arrests, trials, imprisonments, and release incidents.

Wei is just a pawn and Beijing is the only player. If we want to get in the game we need to insist on a seat at the table. At this point we have not done so. Accordingly, I join with my colleagues in deploring the charges brought against Wei and urge my colleagues to fully support House Concurrent Resolution 117.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to support the House Concurrent Resolution 117 as amended, and certainly commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and also my colleague, the gentleman from New Jersey [Mr. SMITH], who is the chief sponsor of this legislation.

Mr. Speaker, this resolution has broad bipartisan support. I certainly would like to commend also the gentleman from Indiana [Mr. HAMILTON] as the ranking Democrat on the full committee; also my colleague from California [Mr. BERMAN], who is the ranking Democrat of the subcommittee on Asian and Pacific Affairs. I commend these gentlemen and also the gentlewoman from California [Ms. PELOSI], the gentleman from California, [Mr. LANTOS], and the gentleman from Connecticut [Mr. GEJDENSON], all sponsors of this important legislation.

Mr. Speaker, this is an important resolution, and it comes at an extremely opportune time. Tomorrow, Mr. Wei Jingsheng goes on trial for allegations that he attempted to overthrow the Government of the People's Republic of China.

Mr. Wei Jingsheng is probably the leading pro-democracy advocate today in China, Mr. Speaker. For 14 years of his life he was in prison, from 1979 to 1993, and was released in 1993. And yet he was arrested again in April of last year, shortly after his meeting with the Assistant Secretary of State for Human Rights, Mr. John Shattuck.

Mr. Wei Jingsheng, since last year we did not know what was happening to

him, until now we find out from the Government that he will have an open trial tomorrow.

Mr. Speaker, I submit that the committee unanimously adopted this resolution last week. The resolution urges the unconditional release of Mr. Wei Jingsheng; and, in the event this does not happen, that he be afforded all the internationally recognized human and legal rights.

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The resolution also urges the State Department to make Mr. Wei's release a particularly important objective in relations with China, and to raise the issue relevant in bilateral and multilateral forums.

Finally, Mr. Speaker, the resolution recognizes Mr. Wei merits careful consideration for the Nobel Peace Prize. The resolution has been changed in a number of respects, and the administration fully supports this resolution, as amended.

Mr. Speaker, the only thing Mr. Wei is guilty of is standing as a symbol for the aspirations of the Chinese people to adhere to the basic and fundamental principles of freedom and democracy.

I am sensitive to China's enormous and difficult task in meeting the needs of her 1.3 billion citizens, while undergoing dramatic economic and social changes. But I also submit, Mr. Speaker, at the same time the People's Republic of China must show more evidence of complying with the basic provisions of the United Nations Charter, specifically that of enhancement and protection of human rights.

Mr. Speaker, it is important that the Congress of the United States speak out in very specific terms on the matter of human rights. We must say to China's political leaders that we expect them to live up to internationally accepted standards of conduct and behavior by all its citizens.

Mr. Speaker, the People's Republic of China, as a full-fledged member of the United Nations, certainly should comply with the basic provisions of human rights as stated in the charter of the United Nations. I urge my colleagues to support the adoption of this resolution, and I commend again the gentleman from New Jersey [Mr. GILMAN], my good friend and chairman of the Committee on International Relations, for bringing this resolution to the floor.

Mr. Speaker, I include for the RECORD articles on Wei Jingsheng.

[From the Washington Post, Dec. 12, 1995]

WHY IS CHINA TAKING ON WORLD BY TRYING DISSENT?

BEIJING.—Nine ago this month, senior leader Deng Xiaoping urged Communist Party leaders to take a hard line against domestic critics, without concern for China's international image.

''Didn't we arrest Wei Jingsheng?'' Deng asked rhetorically about the democracy activist who was sentenced to a 15-year prison term in 1979. ''We arrested him and haven't let him go, yet China's image has not suffered.''

This week China's leaders put Wei on trial again, charged with attempting to overthrow the government. And many China watchers worry that the trial portends a resurgence of actions by China's hard-line leadership violating internationally recognized human rights.

''There's no way that this can help China internationally,'' said UCLA political scientist Richard Baum. ''It's an unsettling sign, a jarring occurrence for a regime trying to portray itself as having joined the international community.''

Like many political prisoners, Wei's reputation and stature has been growing the longer he sits in prison. While many other Chinese political activists have put aside politics to pursue business, Wei has remained an uncompromising advocate of democracy for China. Over the last decade, he has become China's most prominent dissident.

Wei's trial, scheduled for Wednesday at Beijing's Intermediate Court, has mobilized groups anxious about the outcome, which could carry punishment ranging from 10 years in prison to the death penalty. Human rights groups are prodding the U.S. Congress to adopt a resolution calling for Wei's release.

Wei's sister, Wei Shanshan, who lives in Germany, flew to the United States today to lobby lawmakers on her brother's behalf. A demonstration is being organized for Tuesday afternoon in front of the Chinese Embassy on Connecticut Ave.

Human rights groups are pressing the Clinton administration to take a strong stand in defense of Wei. Those groups say that President Clinton, by soft-pedaling human rights issues in his October meeting with Chinese President Jiang Zemin and by severing the link between human rights and trade, might have led the Chinese government to think it could sentence Wei without severe repercussions.

Among those offerring to serve on Wei's defense team are: Nicholas Katzenbach and Richard Thornburgh, attorneys general under presidents Lyndon Johnson and George Bush; for French justice minister Robert Badinter; Singapore's former solicitor general Francis Seow, and former chairman of the Bar of England and Wales Lord Gareth Williams.

A Chinese court spokesman said today that the trial of Wei would be open, an unusual step in political cases. The court said, however, that foreign lawyers would not be allowed to participate. Wei's family has hired Zhang Sishi, who defended dissidents Wang Juntao and Chen Ziming when they were tried for participating in the 1989 democracy demonstrations. Each was sentenced to 13 years in prison. In China, an arrest generally is announced after police and the courts have decided they have enough evidence to convict.

Wei was the most daring and influential of the so-called Democracy Wall activists who in late 1978 printed magazines and pasted democracy manifestoes on a wall just west of the former Forbidden City, now part of the Chinese leadership compound.

At that time, Deng had returned to power and promised to deliver China from the political upheaval of the Cultural Revolution and to undertake four modernizations: in agriculture, industry, science and technology, and national defense.

While many Chinese welcomed Deng's return after a turbulent decade, Wei and other Democracy Wall activists were critical. Wei said Deng's program would fail without a ''fifth modernization''—democracy.

Unlike political reformers within the Communist Party, Wei and his associates at Exploration magazine in 1978 totally rejected Marxism-Leninism. He said Marxist countries were ''without exception undemocratic and even anti-democratic autocracies.''

Wei was convicted of ''counter-revolutionary'' activities and of leaking secret information about China's war with Vietnam to a reporter. He was sentenced to 15 years in jail and was paroled six months early in September 1993. Unrepentant, he urged the international community to deny the 2000 Olympic Games to Beijing. He was rearrested April 1, 1994, shortly after meeting Assistant Secretary of State for Human Rights John Shattuck, and was held incommunicado until last month—when the government announced charges against him.

Analysts note several possibilities in trying to explain why Wei is being put on trial now.

Some suggest China wants to use a convicted and resentenced Wei as a bargaining chip to persuade other governments to back off from a critical human rights resolution at the United Nations. That concern could also help explain the Chinese government's effort to make the trial look more legitimate.

Others say that China could be preparing to boot Wei out of the country and that it needs to show its toughness by first handing him a long prison term—just as it did with Chinese-born American citizen Harry Wu, who was detained this summer while trying to enter China. Expulsion would give Wei a platform overseas but it would remove him from the Chinese political scene.

A third possibility is that hard-line officials in the Ministry of State Security, the army and the Communist Party propaganda department are using the trial as a vehicle for their political comeback—as well as a warning to anyone contemplating dissent as the 91-year-old Deng fades from power.

Whatever legal motions the government goes through, no observer consulted related Wei's incarceration to what are widely viewed as trumped-up charges. Merle Goldman, a professor of Chinese politics at Boston University, said, ''I don't see what evidence they can have since he was followed every single minute he was out of jail.''

[From the Reuters News Agency, Dec. 12, 1995]

CHINESE DISSIDENT'S TRIAL TO BE OPEN TO THE WEST—BUT EX-U.S. OFFICIALS CAN'T DEFEND WEI

(By Jeffrey Parker)

BEIJING, December 1.—In a highly unusual move, China has opened the trial of top dissident Wei Jingsheng to Western reporters—but will not allow him to be defended by two former U.S. attorneys general who have offered to take his case.

The Beijing Intermediate People's Court said Western reporters were asked to submit applications to attend tomorrow's session. The trial will also be open to the public, meaning close relatives and a few court-selected citizens would be allowed in.

But court spokesman Chen Xiong said Mr. Wei could not hire foreign lawyers, thus rejecting an offer by former U.S. Attorneys General Dick Thornburg and Nicholas D. Katzenbach to defend Mr. Wei against what is seen widely in the West as a political charge.

The defendant has retained Beijing lawyer Zhang Sizhi, a relative said.

China meanwhile sentenced three dissident Christian activists to up to 2½ years of re-education through labor, a form of administrative detention, sources close to the defendants said.

The Beijing Muncipal Re-education Through Labor Committee sentenced the three recently, but the exact date was not clear, the sources said.

Defendants Xu Yonghai, Gao Feng and Liu Fenggang all have been active in Beijing's underground Christian circles, seeking to practice their religion outside state-sanctioned churches.

Mr. Wei's trial technically opened December 1, when presecutors lodged the charge of ''conspiring to overthrow the government,'' which can carry the death penalty on conviction.

The same charge was used to imprison many dissidents arrested when the Communist government crushed the 1989 Tiananmen Square pro-democracy protests.

Widely viewed as a father of China's democracy movement, Mr. Wei was first jailed in the late 1970's Democracy Wall era after proposing that leader Deng Xiao-ping's Four Modernizations drive needed a fifth component—multi-party democracy.

Mr. Wei's relatives have denounced his prosecution, saying he did nothing but exercise his costitutional right to speak his mind.

[From the Washington Post, Nov. 22, 1995]

CHINA ACCUSES DISSIDENT OF COUP ATTEMPT

BEIJING.—China formally arrested its leading critic, Wei Jingsheng, today and charged him with attempting to overthrow the Chinese government.

Under Chinese law, conviction could result in a sentence ranging from 5 years in prison to execution, according to legal experts here. In China, conviction is almost certain after a formal arrest is announced.

Wei, 44, regarded as the father of China's tiny democracy movement, thus was publicly charged nearly 20 months after his detention. He had vanished after being stopped by security agents on a road outside Beijing on April 1, 1994. Despite appeals from world leaders, China has given no indication of Wei's whereabouts nor was he allowed to see family members or attorneys.

The official New China News Agency said ''an investigation by Beijing's municipal public security departments showed that Wei had conducted activities in [an] attempt to overthrow the government. * * * His actions were in violation of the criminal law and constituted crimes.''

An uncompromising voice for free speech and democracy, Wei has spent all but six months of the last 18 years in detention. This year he was a strong contender for the Nobel Peace Prize. A former soldier and an electrician, Wei was jailed in 1979 for his role in the Democracy Wall movement. At that time he wrote and published an essay that criticized Chinese leader Deng Xleoping for leaving democracy out of his reform program. Wei later branded Deng a ''new dictator.''

The latest charge appears to signal Beijing's continued determination to stifle overt political dissent as well as its confidence that foreign companies' eagerness to do business in China's booming economy will prevent any foreign trade restrictions in response.

The timing of the announcement—just after Chinese President Jiang Zemin's meetings with President Clinton in New York, German Chancellor Helmut Kohl in Beijing, and leaders of the Asia-Pacific Economic Forum in Osaka—allowed Jiang to sidestep confrontations over China's human rights conditions. But the charge against Wei also suggests that appeals those world leaders said they made on behalf of political prisoners had little effect.

In Washington, a State Department spokesman said, ''We regret the government's decision to formally charge Chinese democracy activist Wei Jingsheng. We have expressed our concerns about this latest development in his case to Chinese officials.''

Most people familiar with Wei express doubt that any evidence against him exists, apart from a lifetime of bold writing against what he called ''political swindlers.''

Wei came from a classic Communist ''good family background.'' His parents and siblings were Communist Party cadres and Wei grew up with the party elite. Wei's father, a high-ranking Foreign Ministry official, was a devoted Maoist who forced his son to memorize a page a day from the writings of Chinese Communist Party Chairman Mao Zedong. If Wei failed, he was sent to bed without dinner.

In 1968, Wei was among the millions of youths who went to Tiananmen Square to see Mao review Red Guards * * * the Cultural Revolution. The next year Wei was jailed briefly amid internecine Red Guard strife. After his release, Wei was assigned to work as an electrician at the Bejing zoo. He quit to join the People's Liberation Army, where he spent four years. He later wrote that his military service took him around the country and showed him how peasants suffer. In 1976, he returned to his job at the zoo.

In late 1978, Wei took part in the Democracy Wall movement, when activists plastered posters and political essays on walls in the center of the city. Wei ran a magazine called Explorations, produced on a handcranked printer.

While many Democracy Wall activists cautiously couched their essays in the jargon of the day, Wei lambasted the ''deafening noise of 'class struggle' slogans.'' At a time that many Chinese were welcoming Deng's ''four modernizations''—agriculture, industry, science and technology, and national defense—Wei said Deng's reform plan would fail without democracy, which he called the ''fifth modernization.''

Arrested in 1979 and sentenced to 15 years in jail, Wei served much of his time in solitary confinement. He also worked in a labor camp.

Released in 1993 when China was trying to persuade the international community to choose Bejing as the site of the 2000 Olympic Games, Wei immediately made new contacts with workers, intellectuals and foreign journalists even though he was closely monitored by Beijing police. Wei spoke out against China's treatment of political prisoners and urged the international community to pick a different site for the Olympics. The latest detention came just after Wei met with Assistant Secretary of State for Human Rights John Shattrick.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, tomorrow the Communist government of the People's Republic of China will put China's leading advocate of democracy on trial. This so-called trial speaks volumes about the abysmal state of human rights and the complete and utter denial of political freedoms in the People's Republic of China.

Wei Jingsheng is China's foremost dissident, and has become a personal target of Deng Xiaoping because he demanded that Deng's ''Four Modernizations'', agriculture, industry, science, and defense, be supplemented with a very important fifth: Democracy. Wei's magazine, ''Exploration'', repudiated not just Maoism and Leninism, but Marxism itself.

Mr. Speaker, for this he spent 14½ years of his life in some of Communist China's most brutal and remote prison camps. Much of that time was spent in solitary confinement. His alleged offense was counterrevolutionary activities. The truth is that he led the Democracy Wall Movement. That movement, as the Speaker knows, took its name from the wall near the Forbidden City which activists used to displace their prodemocracy manifestos.

When the People's Republic of China recently was seeking international acceptance so that it could host the Olympic Games, forthcoming in the year 2000, Wei was paroled just 6 months before the expiration of that grueling 15-year sentence. This was done obviously in order to curry favor with Western governments and the International Olympic Committee.

But when Wei was released, he did not stop speaking. He called on the members of the Olympic Committee to punish Beijing for its abysmal human rights record by denying it the opportunity to host the Olympic Games. Shortly after that, in April 1994, Wei disappeared. For the past 20 months the Communist authorities have refused to tell anyone, even his family, his whereabouts.

Mr. Speaker, it is now probable that Wei will be put on trial tomorrow for allegedly plotting to overthrow the government. In truth, the sum total of his offenses against China's Communist Government has been his underlying support for democracy and human rights. His likely punishment will be a minimum of 10 years, and perhaps death.

The Chinese Government may return him to Laogai, the notorious Chinese gulag. They may expel him after imposing a Draconian sentence, which is what they did to Californian Harry Wu.

The Communist regime is no doubt retaliating against Wei because he was nominated for the Nobel Peace Prize, and because the Olympic Committee decided not to award the People's Republic of China the Olympics.

Mr. Speaker, the Wei case demonstrates the nature of justice under the current Communist government in China. Wei was arrested 20 months ago without warning and without explanation. For nearly 2 years he has been held incommunicado. Only afterward did the Communist government initiate its investigation of Wei. Then, and only then, did the Communist government announce the charges against Wei and set his trial for tomorrow.

But sadly, Mr. Speaker, this will be a sham trial. There is no doubt, absolutely none, about the result. Wei will be found guilty. The trial in China's Intermediate People's Court will be anything but the open proceeding announced in the press of the People's Republic of China. It will not be public.

American and European requests to monitor the trial have either been rejected or gone simply unanswered, and the Chinese regime has refused to allow a distinguished international team to assist Wei. In addition, two former

United States Attorneys General, Nicholas Katzenbach and Dick Thornburgh, one Republican and one Democrat, have been trying to assist in Wei's defense, and the Chinese Government has told them coldly, harshly, ''No.''

Wei Jingsheng, like the heroic students of Tiananmen Square, is living proof that China's people are not indifferent to democracy. They are not indifferent to human rights. They are not content with lawlessness, dictatorship and corruption.

Tomorrow, the People's Republic of China will attempt to put Wei Jingsheng on trial, but it will be China's Communist dictatorship that is in fact on trial. Mr. Speaker, the message in this resolution is clear. Wei Jingsheng should be immediately released and his sham trial should be stopped.

The detention and trial of Wei Jingsheng is only the latest and most striking case of China's systematic infringement of political freedoms, individual liberties, and human rights. This Congress and this resolution intends to make clear that communist China's continued violations of human rights will have consequences.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from American Samoa for his leadership, as well as that of the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], the gentleman from California [Mr. BERMAN], and others who have brought this legislation to the floor today. I commend them all, and am pleased to be a sponsor of the resolution before us.

Mr. Speaker, it is most fitting that we consider this bill today, the day before Wei Jingsheng is tried in a Chinese court. Today is also the day on which the U.S. Department of State is celebrating Human Rights Day. On December 5, President Clinton signed a proclamation designating the week of December 10 through 16, 1995 as Human Rights Week. President Clinton said:

> We live in an era of great advances for freedom and democracy. Yet, sadly, it also remains a time of ongoing suffering and hardship in many countries. As a nation long committed to promoting individual rights and human dignity, let us continue our efforts to ensure that people in all regions of the globe enjoy the same freedoms and basic human rights that have always made America great.

Our action today on this legislation demonstrates our congressional commitment to living up to our American values of promoting human rights, basic freedoms and human dignity.

Wei Jingsheng is scheduled to be tried tomorrow, I guess it is in a few hours, taking into consideration the time difference, in a Chinese courtroom on charges of attempting to overthrow the Government, a capital offense. The charges against Wei are spurious, the trial is fixed, and the entire event would be farcical if a man's life were not at stake.

The case of Wei Jingsheng, a key figure in China's pro-democracy movement, once again exposes to world view the flaws in China's judicial system and the alarming pattern of human rights abuses by China's authoritarian Government.

Wei Jingsheng was first imprisoned as a result of his 1979 democracy wall activities. His activities at that time include daring to write and to publicize material critical of Marxist-Leninism and critical of China's Communist Government. For those activities, Wei was sentenced to 15 years in prison.

He was released after serving 14½ years of that 15 year sentence and I might add, much of that in solitary confinement. As part of the public relations campaign by China's dictatorial Government to woo the International Olympic Committee into naming Beijing as an Olympics site.

Wei Jingsheng was detained again by the Chinese Government in 1994, less than 6 months after obtaining his freedom. His crime? Daring to continue to speak out against China's Communist Government.

When Wei met with foreign journalists and officials, including U.S. Assistant Secretary of State for Human Rights John Shattuck. The Chinese Government did not like what Wei had to say or to whom he was saying it and shortly after his meeting with Assistant Secretary of State Shattuck, Wei was thrown once again into the bowels of the Chinese Government penal system.

Wei Jingsheng was held incommunicado for 20 months by China's dictators. During that time, he was nominated for the Nobel Peace Prize by an international group of parliamentarians, including 58 Members of the U.S. Congress. During those 20 months, the Chinese Government held Wei without charging him, in violation of their own laws.

Two days before the U.S. holiday of Thanksgiving, I mention that because it is clear that the Chinese Government knew this would be at a time when Congress was not in session and able to respond to the charges, the Chinese Government finally acknowledged that they were holding Wei and formally charged him with attempting to overthrow the government. Last Friday, they announced that his trial would be on Wednesday, December 13. The charges are absurd; the verdict predictable and predetermined.

Wei's family has hired a talented and dedicated attorney to defend him, the same attorney who defended prominent dissidents Wang Juntao and Chen Ziming. Unfortunately, as of 48 hours before the trial, the attorney had neither been granted access to Wei nor allowed to view the dossier against him. This is but one example of the sham trial which is about to be undertaken.

Chinese authorities had originally announced that the trial would be open. The question here is to whom the word open applies—neither foreign journalists nor U.S. Embassy officials who have requested to attend the trial are being permitted to do so.

Wei Jingsheng's sister, Wei Shanshan, is in Washington, DC this week to appeal for help in freeing her brother. The bill before us today bolsters an international campaign on Wei's behalf. The international efforts include a campaign by prominent and distinguished international jurists, represented in the U.S. by former attorneys General Nicholas Katzenbach and Dick Thornburgh, to defend Wei and a campaign by PEN, the international authors organization, to appeal for Wei's release. House Concurrent Resolution 117 puts the strong voice and the moral authority of the United States House of Representatives on record in support of a fighter for freedom and Democratic reform, a man who embodies the values upon which our own great democracy was built.

As we commemorate human rights week, I call on the administration to live up to its rhetoric on human rights. President Clinton should communicate directly and in no uncertain terms to the Chinese Government at the highest levels that Wei Jingsheng must be released immediately and unconditionally. The United States and China cannot have a normal relationship while China insists upon violating international law and violating international norms of behavior.

I urge my colleagues to support freedom and democracy in China by supporting Wei Jingsheng. Wei is a strong symbol of, to, and for the Chinese dissidents who are risking their lives by bravely speaking out against tyranny.

Mr. Speaker, this morning we cheered the remarks of Shimon Peres as he spoke out in support of democracy and how it was important to peace. Hopefully, our colleagues will now join together in sending another strong message in support of democracy by supporting this resolution.

Once again, I commend the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for giving us this opportunity to vote on this important legislation this evening.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

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

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the concurrent resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], the cochairman of the Human Rights Caucus.

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

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Mr. PORTER. Mr. Speaker, I thank the gentleman from New York, the chairman of the committee, for yielding time to me.

Mr. Speaker, the world was outraged a month ago when the Government of Nigeria, the Abacha government, executed Ken Sarawiwa and all of the Ogoni Nine. Now China, Mr. Speaker, is conducting a quiet but comprehensive campaign to quash the remainder of China's dissident movement left from the violent 1989 crackdown on democracy protesters.

The trial of human rights advocate and Nobel Peace Prize nominee Wei Jingsheng, scheduled to begin tomorrow, culminates this vicious campaign. Human Rights Watch World Report 1996 reports that the formal arrest of Mr. Wei for conducting activities in an attempt to overthrow the Chinese Government was the most blatant example of the Chinese Government using trumped-up criminal charges against political dissidents.

Mr. Speaker, again and again the Chinese Government flagrantly ignores domestic and international pressure for peaceful political change. Instead relying on its economic attractiveness to foreign investors, Beijing continues to demonstrate its disdain for fundamental human rights guarantees and the rule of law.

It is time, Mr. Speaker, that that change. Mr. Speaker, it is outrageous that Mr. Wei has been detained since April 1994 without formal charges or the opportunity to communicate with his family or legal counsel. The Government of China should unconditionally release Mr. Wei. But at a minimum, Mr. Wei should be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice and to communicate with his family.

Mr. Speaker, to the extent that the world tolerates these outrageous abuses is the extent to which it encourages all repressive governments. But to the extent that we respond strongly against them, this and other governments will be restrained.

I commend the gentleman from New Jersey for offering this resolution. I commend the gentleman from New York for bringing it to the floor. I urge all Members to support its adoption.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

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

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Con. Res. 117, a resolution which urges the Government of the People's Republic of China to immediately and unconditionally release Wei Jingsheng, a leader of China's modern democracy movement.

I want to thank the chairman, the gentleman from New York [Mr. GILMAN], and the chairman, the gentleman from New Jersey [Mr. SMITH], for moving this bill quickly.

I would say it is good that the Congress is speaking out both in the House and the Senate. When this comes up for a vote, it will be, hopefully, passed 435 to nothing.

I wonder, where is the business community? Why are they not speaking out on this issue? This indictment of Wei was handed down only 3 days after Vice President AL GORE met with Chinese President Jiang Zemin in Osaka. Why has Wei been charged with attempting to overthrow the powerful and the repressive and weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs, John Shattuck, shortly after he was released in 1994.

Wei, Mr. Speaker, is the kind of hero and a patriot the United States should be supporting. The Clinton administration unfortunately has just simply expressed regret tat the whole incident, a wholly inappropriate response, not even a slap on the wrist. The Vice President, Mr. Speaker, has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America does not have a hand to lend in his struggle for freedom, who does? Wei is like Sakharov or Shcharansky or Solzhenitsyn or someone like this.

I urge a strong and unanimous vote. I want to again thank Chairman GILMAN, Chairman SMITH, and the gentlewoman from California, Ms. PELOSI, and the others for their efforts to move this bill quickly.

The Chinese Government's formal arrest of Wei in November is a classic example of what happens to China's brave democracy activists when the world turns its back on them. Mr. Speaker, through the de-linking of trade from human rights in May 1994 and the failure of the Senate to take up the China Policy Act of 1995, the United States has indeed turned its back on Wei Jingsheng and the hundreds of other political prisoners, Christians, and Tibetan Buddhists who languish in Chinese jails today. The resolution we are debating today is only a step in the right direction. What the United States really needs is a tougher overall policy towards China. Engagement just isn't working. This indictment of Wei was handed down only 3 days after Vice President AL GORE met with Chinese President Jiang Zemin in Osaka.

Why has Wei Jingsheng been charged with attempting to overthrow the powerful, repressive, weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs John Shattuck shortly after he was released in 1994. Because he dared to tell the world that it should keep pressure on China to address human rights problems. Because he dared to speak to foreign journalists about the need for democracy despite being banned for 3 years from doing so by Chinese authorities.

Wei Jingsheng is the kind of hero and patriot the United States should be supporting. But the Clinton administration has simply expressed regret at the whole incident. A wholly inappropriate response. Not even a slap on the wrist. The Vice President has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America doesn't have a hand to lend to these struggling for freedom, who does? Where do they turn for help?

In July, 410 members of this Chamber supported H.R. 2058, a bill that would have given definition to the administration's China policy and commended brave democracy reformers like Wei Jingsheng. Supporters and opponents of revoking MFN status for China rallied around this unified message of disdain for China's human rights, weapons proliferation, and unfair trade policies.

It's been 6 months and the Senate has not yet taken up the bill. There are some who argue it's not the right time to tweak the Chinese Government's nose. There are some who want only to dialogue and engage and continue to let brave reformers like Wei Jingsheng suffer in jail or worse. If Congress cannot pass a statement of policy like H.R. 2058, what hope do people like Wei Jingsheng have?

I urge my colleagues to vote for H. Con. Res. 117, but I also encourage my colleagues to look inside themselves and decide when enough is enough. When Congress reconvenes in January, perhaps the MFN-human rights fight should begin anew. America must not walk away from these people.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, here we are on the floor of the House of Representatives talking about someone who languishes on in prison halfway around, on the other side of the world.

I would like to point something out here in this Chamber. Here as we stand in this bastion of democracy of the legislative branch, one of the oldest elected legislative branches in the world, we have two pictures on our walls. One is of George Washington; the other is of Lafayette. That suggests something about freedom and the way the American people think of freedom. The fact is that Lafayette heard of our struggle for freedom and democracy in far-off France, a country that was much further away from the United States in those days than we are from China today, and came to our country to help us in our struggle for freedom. We never forgot Lafayette. Years later he returned to the United States and was welcomed as a hero by the American people. Every little city and town and hamlet throughout our country welcomed him as a champion of American freedom.

That is because the people who founded our country understood that the concept of freedom and democracy is universal. It is not something that we hold dear just for Americans, but it is, instead, something that unites all peace-loving and freedom-loving people of the world everywhere.

Today another hero languishes in far-off China, in a prison in far-off China. We are putting the world on notice

that we have remained true to the principles of Washington and of Lafayette and of Jefferson because we are on his side. I ask support of this resolution and ask my colleagues to join us in supporting Wei Jingsheng and his struggle for democracy and the people of China's struggle for democracy.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the sponsor of this measure, who is also a member of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN], the chairman, for his expeditious passage of this legislation in the full committee. I also thank the gentleman for his very strong leadership on human rights, particularly as it relates to the People's Republic of China.

I would like to thank the gentleman from Nebraska [Mr. BEREUTER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. LANTOS], and the gentlewoman from California [Ms. PELOSI], who has been a real stalwart when it has come to China, Mr. LANTOS, Mr. BERMAN and the gentleman from California [Mr. COX], who spoke earlier and, of course, my good friend and colleague with whom I have traveled to China on behalf of human rights, the gentleman from Virginia [Mr. WOLF], who has been tenacious in promoting human rights around the globe.

Mr. Speaker, today the American people stand united in outrage at the latest assaults on freedom, democracy and decency by the government of the People's Republic of China. The ordeal of Wei Jingsheng began in 1979 when he took the Communist government at its word and wrote articles suggesting political reform. For this they sentenced him to a 15-year jail term.

In late 1993, he was unexpectedly released on parole, a few months prior to the end of his sentence. This gesture, I would note parenthetically, was designed to induce the Olympic committee to award Beijing as host of the Olympics 2000. They did not get it, as we all know.

During his long and unjust imprisonment, he has been severely beaten and subjected to other forms of physical and psychological abuse. He was in extremely poor health, but he had also become a hero in the meantime, a symbol of courage and even of hope to a beleaguered people.

It was my privilege, Mr. Speaker, to visit with Wei Jingsheng in Beijing in January 1994, during his very brief period of freedom. I found him to be extremely articulate, compassionate and principled. He spoke of his quest for democracy and human rights with a very keen understanding. Notwithstanding his horrific ordeal in prison, he never once slandered the leadership of the People's Republic of China. I was amazed at his lack of malice and his lack of rancor toward his jailers. I was deeply impressed by his kindness and his goodness.

A few weeks later, after meeting with Assistant Secretary of State for Human Rights John Shattuck, he was rearrested. For 19 months the Beijing government would not even admit that they had Wei in its custody. He was cut off from communication with his family, with legal counsel, with his colleagues and admirers in the human rights movement. None of us knew for sure whether or not he was dead or alive.

When I visited Beijing in September of this year, I asked to visit Wei in prison. My request was not denied, it was just ignored as if he was persona non grata. Finally on November 21 of this year, the Beijing authorities acknowledged what the world already knew, that Wei was their prisoner. They announced their intention to try him for ''attempting to overthrow the government.''

This charge is clearly false, Mr. Speaker, unless it is just another way of saying that anyone who believes in freedom and democracy and who is not afraid to say so is a threat to the ultimate survival of a totalitarian regime such as the one in Beijing.

In a free country, Mr. Speaker, Wei Jingsheng would have a place of high honor in society. In today's China, the only question is whether he will be tried for a crime that is punishable by death or by a very, very long imprisonment. Wei is an innocent man, Mr. Speaker. In a free country, this would matter. In Communist China, it is his very innocence that his jailers hate and fear.

Mr. Speaker, there is disagreement among the Members of the United States Congress as to the best way to bring freedom and democracy to the People's Republic of China. Some believe that we must pursue a course of constructive engagement, that if we work closely with the Chinese officials and give them much of what they want from us, we will be in the best position to encourage them to improve their dismal human rights record. Others feel that the last 20 years of U.S. policy towards China amounts to a long and unrequired one-way love affair with a Communist dictatorship. Today, however, we all stand together, Republicans and Democrats, liberals and conservatives, pro- and anti-MFN advocates, united by one simple truth: This decent and gentle man is not a criminal.

The trial of Wei Jingsheng is set to begin in just a few hours and, looking at the clock, probably in just a few minutes. We appeal to President Zemin on his behalf. Release him. Today we pray, we hope and we can tell the truth on the floor of this House about what is happening to Wei Jingsheng. For just this one day, let us let the world know that the United States did not conduct business as usual with a government that brutalizes its own people and dishonors its heroes.

Wei Jingsheng deserves to be free. Let us send a clear, unmistakable expression of our support for him as he goes on trial and again in just a couple of minutes in China.

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

Mr. Speaker, I would like to again commend the gentleman from New Jersey, [Mr. SMITH] as the chief sponsor of this legislation. Not only that, but I commend him not only as an outstanding leader on our committee but certainly a champion of human rights throughout the world. I want to commend him for his leadership in that capacity.

Certainly I want to thank the gentleman from New York, chairman of our Committee on International Relations, for his leadership. In the spirit of bipartisanship, Mr. Speaker, I urge my colleagues that we support this resolution.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspended the rules and agree to the concurrent resolution, House Concurrent Resolution 117, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2243, de novo; H.R. 2677, by the yeas and nays; H.R. 2148, by the yeas and nays; and House Concurrent Resolution 117 by the yeas and nays.

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

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2243, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. RIGGS. 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 412, nays 0, not voting 20, as follows:

[Roll No. 845]

YEAS—412

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Ackerman
Bryant (TX)
Chapman
Dicks
Dingell
Ford
Hastert
Lofgren
Martini
McInnis
Moakley
Pryce
Roberts
Rush
Studds
Tucker
Velázquez
Volkmer
Wyden
Zimmer

□ 2007

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair had postponed further proceedings.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2677, as amended.

The clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, an there were—yeas 254, nays 156, not voting 22, as follows:

[Roll No. 846]

YEAS—254

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)

Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—156

Abercrombie
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Ackerman
Bryant (TX)
Buyer
Chapman
Dicks
Ford
Hastert
Levin
Lofgren
Martini
McInnis
Moakley
Nussle
Pryce
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2017

Mr. BROWN of Ohio changed his vote from ''yea'' to ''nay.''

So (two-thirds having not voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 2418, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 5, not voting 20, as follows:

[Roll No. 847]

YEAS—407

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—5

Clayton
Clyburn
Scarborough
Waters
Watt (NC)

NOT VOTING—20

Ackerman
Bryant (TX)
Chapman
Clay
Dicks
Ford
Hastert
Lofgren
Markey
Martini
McInnis
Moakley
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2025

Mr. SCARBOROUGH and Mr. CLYBURN changed their vote from ''yes'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Resolution 117 as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Resolution 117, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No 848]

YEAS—409

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—23

Ackerman
Bryant (TX)
Buyer
Chapman
Clay
DeLauro
Dicks
Flake
Ford
Hastert
Lofgren
Martini
McInnis
Moakley
Pickett
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2032

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 848 on House Concurrent Resolution 117, I was unavoidably detained. Had I been present, I would have voted ''yea''.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 845, 846, 847, and 848 I was unavoidably detained. Had I been present, I would have voted ''yea'' on each of those votes.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2539, ICC ELIMINATION ACT OF 1995

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a conferee on H.R. 2539, the ICC Elimination Act, effective immediately.

Thank you for your prompt attention to this matter. With best wishes and kind regards, I remain.

Sincerely,

WILLIAM O. LIPINSKI,
Member of Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, to fill the vacancy, the Speaker appoints the gentleman from West Virginia [Mr. WISE] for consideration of the House bill and the Senate amendment and modifications committed to conference.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. PETE WILSON,
Governor, State Capitol,
Sacramento, CA.

DEAR MR. GOVERNOR: Obviously, you are aware of the recent turn of events in my life. While I finally received my day in court, I, unfortunately, was not judged by a jury of my peers and in my opinion, did not receive a just verdict. Nevertheless, that verdict is a reality pending appeal.

As I stated to the media immediately after my verdict, it was never my intention to put the Congress through a vote on expulsion if I were convicted. Therefore, I am hereby tending my resignation as representative of the 37th Congressional district effective December 15, 1995.

Contrary to what anyone has ever said or intimated, I have never sold out my constituency or my oath of office. I am fully persuaded that in the near future God will vindicate my name.

Sincerely,

WALTER R. TUCKER III.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2243, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2677, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SITUATION IN BOSNIA

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

Mr. DORNAN. Mr. Speaker, I spent the greater part of today up in New Hampshire. I was in California over the weekend. Everywhere I go, along with the budget and Americans telling Republicans, ''Either get with it or get out of the way, you will not be reelected if you do not keep your promises,'' but right up there, coequal and even more impassioned, is Bosnia.

I circulated a letter with 70 signatures, I only needed 50, last week. I have a conference at 9 o'clock in the morning. I do not think it is the most propitious time. I kind of have a suspicion I am being sandbagged. I am putting all of the Republicans on notice, 235.

One cannot go home this Christmas, particularly after the first American steps on a mine, and be truthful and say you did everything you could to support our troops by not sending them in harm's way.

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

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

Mr. SCARBOROUGH. Let me just follow up. There is no excuse for any Republican to say he or she is too busy tomorrow morning, at 9 a.m. in the morning, to make a statement on what is going on in Bosnia, on whether we send young Americans to die in a conflict over Christmas in the snows of Bosnia in a three-way civil war that has been going on 500 years. I thank the gentleman for letting us get involved, and I will certainly be there.

MORE ON BOSNIA

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

Mr. SCARBOROUGH. Mr. Speaker, as I was saying, there is nothing more important we can be doing tomorrow morning than make a definitive statement on Bosnia.

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

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, there is an aspect to this that can be like one of the best debates in this century, and that was the debate over Desert Storm and Desert Shield.

What I would say, we are not going to yell at anybody that says their vision of supporting the troops is just a cave-in to Clinton. We are going to discuss the Constitution, the powers allocated to the presidency, Republican, Democrat, or prohibition party. This is not an imperial presidency that can send people no matter what the needs to Tibet, Rwanda, Sudan, Somalia, Haiti, and back to all the Balkan countries, without the Congress, both the House and the Senate, weighing in in the debate.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, the question is not whether we support the troops or not. Both the gentleman and I will support the troops, we will salute those troops, we will go over and visit them, in fact, over the holidays if they are in fact sent. But we have a responsibility to ask very difficult questions before we commit troops to get involved in a 500-year civil war.

RICH GET RICHER, POOR GET POORER

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to recommend to all members an article that appeared in the Washington Post business section last week, which I will insert in the RECORD.

The article reported on a bipartisan round-table discussion on the rising gap between rich and poor, and the shrinking middle class in our country.

This trend is no secret. Ask any working American. We have been downsized, laid-off, cut pay, cut jobs to the point that even the Business section reports it.

I was pleased to read that some of the speakers—notably Jack Kemp—emphasized economic growth and economic development as the way to narrow the income gap in our country, not just balancing the budget.

Mr. Kemp continues to be one of the few Republicans willing to address the issue of income inequality and the poor condition of our cities instead of treating them as inconvenient facts that should be ignored or denied.

Beyond balancing the budget, we need to emphasize education and training for our children and make the necessary public investments to help create economic growth.

It is a shame that programs such as the School-to-Work program—which connects high school students to the world of work—could be eliminated by this Congress.

I invite those from the other side of the aisle who believe that the income gap is a real problem to speak up—as Jack Kemp has—and give this issue the attention it deserves.

[From the Washington Post, Dec. 7, 1995]

INCOME GAP IS ISSUE NO. 1, DEBATERS AGREE

(By Steven Pearlstein)

The growing income gap between the rich and the poor has become the central issue in American politics, and the party that figures out what to do about it—or that makes the right noises about it—will dominate American politics.

That was the message from the left and the right, Democrat and Republican, politician and pollster, economist and financier at a forum on inequality held yesterday on Capitol Hill.

''The main cause of America's anxiety is the growing gap between the haves, the have-nots and those in the middle who feel they are on a treadmill in which they have to run faster and faster merely to say in place,'' said Rep. Charles E. Schumer (D-N.Y.), who organized the event with retiring Sen. Bill Bradley (D-N.J.).

Stanley Greenberg, who conducts polls for the White House and the Democratic National Committee, told the gathering that nearly all recent elections have been decided by ''downscale'' voters who swing between Republicans, Democrats and independents such as Ross Perot in a desperate search for an answer to their declining economic fortunes.

''There is no more central subject in politics today,'' Greenberg declared, ''and no party will be successful without addressing it successfully.''

Kevin Phillips, a free-ranging Republican theorist and author of ''The Politics of Rich and Poor,'' said the reluctance of Republicans to face up to the inequality issue was now costing them the support of one-third of their natural base of voters.

Rather than signaling the rise of a new Republican era, Phillips predicted, last year's Republican takeover of Congress will go down as the last gasp of a Republican era that began with the election of Richard Nixon in 1968, but has now been taken over by a coalition of right-wing ideologues and Wall Street interests. He noted that two earlier Republican eras, the Gilded Age of the 1880s and 1890s and the Roaring Twenties, ended when progressives were able to ride into office on the inequality issue.

Treasury Secretary Robert E. Rubin opened the session by declaring that rising inequality has so torn the social fabric that fixing it amounts to not only a moral or political imperative, but also an economic one.

If no solution is found, Rubin said, angry voters will soon turn to radical measures such as restoring trade barriers or re-regulating entire industries—moves that he predicts would slow economic growth and ultimately be self-defeating.

And former representative Jack F. Kemp, who now heads a Republican tax reform commission, warned that the plight of the urban poor had become morally ''unconscionable'' and politically unacceptable. For that reason, Kemp said Republicans should make boosting economic growth rates, not balancing the budget, their top political priority.

Nobody at yesterday's session took issue with a raft of recent reports showing that the household incomes of those in the bottom 40 percent of the economy have slipped over the last 20 years, when adjusted for inflation, while all the income growth has been concentrated in the households in the top 20 percent.

But there was a spirited and, in the end, unresolved debate over what to do about it.

Steven Rattner, a managing partner at the Wall Street investment firm of Lazard Freres & Co., argued that they key to narrowing the income gap was more and better training programs to get a better match between the jobs demanded by the new economy and the skills of workers at the bottom of the income scale.

But Louis Jacobson, a researcher at Westat Inc. in Rockville, said his studies found that such programs inevitably reach only a small portion of the work force that could benefit from them.

And Cornell University economist Robert Frank argued that many labor markets now exhibit a ''winner take all'' quality to them that gives disproportionate salaries to whoever is at the top, no matter how much education and training the people below them have.

Kemp, along with Rattner, argued that it would be folly to address the problem of rising inequality by expanding government efforts to transfer income from the rich to the poor.

''I don't think poor people are poor because rich people are rich,'' said Kemp in arguing against welfare and other ''redistributionist'' programs.

But not everyone agreed.

''Redistribution is not a naughty word,'' said Gary Burtless, an economist at the Brookings Institution in Washington,

Burltess noted that the long-term shift in the government's income support programs from the poor to the elderly middle class was a major contributor to growing inequality in recent years. And he noted that countries such as Germany and Japan had been able to finance much more generous social programs than the United States while still turning in as good or better economic performance over the past 20 years.

Burltess's comment was seconded by Timothy Smeeding, an economist at Syracuse University whose recent study found that although the United States is the richest nation, its poor have a lower standard of living than the poor of all other industrial countries.

''I think we have no choice now but to take greater account of the losers,'' said Smeeding.

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. JONES). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AGREEMENT NEEDED ON REACHING A BALANCED BUDGET IN 7 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, this is now coming under the third week where we have had an agreement with the administration to work together to achieve a 7-year balanced budget. Again, I need to call attention to the fact that our national debt of over $4.9 trillion remains unaddressed from the standpoint of our ability to come up with a successful budget.

I happened to see an article dated from last week's New York Times, December 6, 1995, an article by David Sanger, with the headline that says ''Administration says it can avoid a borrowing crisis through January.''

As we all know, the administration is struggling to avoid dealing with the reality of the fact that we must work together to achieve a balanced Federal budget in the next 7 years. The article goes on to say, ''Treasury Secretary Robert E. Rubin said today that the administration had found new, though legally untested methods, of keeping the government solvent at least through January.''

The article goes on to say ''While Mr. Rubin would not discuss how long he could drag out his delicate fiscal balancing act, other administration officials said the Treasury and Justice Department lawyers had been meeting daily to devise a legally defensible strategy for sidestepping the Congressionally set $4.9 trillion limit on Federal borrowing well into the spring.'' I emphasize that.

It goes on to say, ''Mr. Rubin declined to say what method the Treasury had chosen to keep the government paying its bills and the interest and principal due on government securities.''

Mr. Speaker, this is an extremely serious matter. As I read into the article, it goes on to say that the extent of borrowing that has been designed to sidestep the debt limit may well exceed $60 billion. That is $60 billion of potentially unauthorized indebtedness.

It goes on to say that, quoting from the article in the New York Times, Wednesday, December 6, by manipulating how the Government retirement funds are invested, the Treasury Secretary has put the Government about $60 billion under the debt ceiling, enough to enable it to borrow the funds to make it through the month of December.

I think this is a serious issue, and I hope that as we try to work together with the administration through the rest of this week, as we work together with the administration to try to reach a balanced budget over the next 7 years, we can come to some complete and final agreement on how Republicans and Democrats can work together to finally balance the Federal budget.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

[Mr. POSHARD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 2045

REPRESENTATIVE MFUME SPEAKS TO HIS DECISION TO LEAVE THE CONGRESS TO HEAD UP THE NAACP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 5 minutes.

Mr. MFUME. Mr. Speaker, I actually thought I would wait until later in the week or perhaps later in the month to come before the House and to express to my colleagues who are here and those who are watching in their respective offices a great sense of appreciation, a great deal of loss, and, at the same time, a great deal of anticipation of what, for me, becomes the beginning of a new journey of a thousand miles.

Mr. Speaker, I came to this institution in early 1987 with the class of the historic 100th Congress. It was a different Congress then, and in many respects there were different people. This institution, over the years, long before I got here, and I am sure long after I am gone, will continue, in many respects, to be the scorn in the eyes of some, the hope in the eyes of others, but the only institution that, as Americans, we have in our legislative branch of Government.

So as we contemplate coming and going, for me it was a tough decision and yet an easy decision. I was always taught that we come here with nothing and we leave this life with nothing, and that it is what we do between our birth date and our death date that determines our worth and our value and our substance as a human being.

Those of us who have come to this point to be in service to America and to our colleagues and to people all across this country, whose policies affect countless millions of nameless, faceless Americans, and whose conduct, quite frankly, and whose decorum is watched by persons who want to be here and by those who will never get here. But all of those things in the aggregate essentially determine what kind of government we have and how we, as caretakers of that government, are perceived.

Mr. Speaker, I will miss, obviously, this institution. I have come to love it. I believe in the necessity of an open and free Democratic form of government. I will miss the individuals here, who I have served with on both sides of the aisle, all from different walks of life. We have debated great issues together: The Civil Rights Act of 1991, the gulf war, the great decisions to think of and to ultimately pass an Americans With Disabilities Act, and numbers of other bills and measures that speak to the life style that many of America's people now enjoy.

I will also miss, to some extent, the process. But I think those who know me recognize that because I come from humble beginnings, it really was not a major decision to give up a safe congressional seat, with 82 and 84 H 14354percent

of the vote election after election, and to walk toward an organization considered by some to be in disarray and perhaps by some to be in disrepair.

Because I have an excitement inside of me that speaks of a new vision, a new vision of hope and possibility, I believe in the aspect of coalition. I know what it will take in this country for us to be a better Nation. I want to be a part of the process. I agonize, like many of my colleagues going home at night, in the comfort of my own surroundings, and knowing that violence still plagues our Nation, that hatred and racial polarization have not gone away, that many people who look like you and look like me, regardless of their station in their life, still have a dose of despair in their eyes, that are young and have given up on themselves, and they plan now for their funerals because they do not expect to reach the age of 25, that drug abuse and spousal abuse and child abuse run rampant in a Nation that ought have been beyond that and ought to have found lessons to have gotten there.

All of those things are also part of the America that we love, but they beckon me in a different way tonight, and they call me in such a way that I cannot say no.

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

Mr. MFUME. I would be more than happy to yield to the gentleman from California.

Mr. CUNNINGHAM. First of all, there will be a lot of the conservatives that will miss the gentleman. Your willingness, I know on the civil rights bill, and other issues that were very complicated, it does not mean we do not disagree on certain models, but the gentleman will leave this House with integrity, value and substance, Mr. MFUME. And I want to let the gentleman know that of a lot of the Members on that side, the gentleman has been someone that I have been able to sit down with, even with differing issues. The gentleman has been very amendable, very supportive, and I want to thank him.

Mr. MFUME. Mr. Speaker, I thank the gentleman for those kind and heartfelt words.

There is an aspect of service in this America that I talked about, even fraught with all those problems and difficulties, that I also need to say before I yield back any time I have remaining, and that is the relationships, the personal relationships that we develop in here and the desire to always want to believe in the best of other people.

I looked at the gentleman from Missouri, HAROLD VOLKMER, go through the agony of watching his wife, die of cancer over a sustained period of time. I have talked to Members on both sides of the aisle about the birth of a child, or a wedding, or the ability to get a child through college, or the need just to find a way to get away from the day-to-day agonies of the job and to be people again. I would hope that as we all come to grips with what we do in this institution, that we recognize that as individuals and as Americans, aside from party affiliation, it really is what we do between that birth date and that death date that will determine our worth as human beings.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I would be more than happy to yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Speaker, just to add my comments to our friend and colleague from California. I came to the session of the Congress that the gentleman came to and have had the highest respect for him in the 9 years I have known him.

The gentleman will leave this body and will leave a great loss to us because he has been a key leader and someone that all of us respect on both sides of the aisle. But he certainly is the gain for the NAACP and those issues which he will lead this country forward on.

We look forward to working with the gentleman in his new capacity and pledge the gentleman our full cooperation. He has been a real inspiration to Members on both sides of the aisle. We will miss him, but we look forward to his leadership on an even greater height for all of America.

Mr. MFUME. Mr. Speaker, I thank the gentleman very much. I know I am out of time.

The SPEAKER pro tempore (Mr. JONES). The time of the gentleman from Maryland has expired, but we would like to give 3 or 4 additional minutes to the fine gentleman from Maryland.

Mr. MFUME. I thank the Chair for his generosity, and I promise I will not use all of that, because despite the best wishes of some, I am still going to be around here for a few more weeks raising you know what.

I do want to say, before sitting down that I believe that we have a golden opportunity, and certainly I do, heading up the NAACP, America's oldest and largest civil rights organization, to bring a sense of balance, to add to the dialog, to seek coalition, to give hope to our young people, to defy the odds, to put in place an apparatus for economic empowerment, to do away with some of the disparities in our society, to emphasize against educational excellence and individual responsibility, and to really provide a clear and consistent path that might be visible to other people.

So I welcome that task and I thank all of my colleagues who I have served with, for their friendship over the years, for their counsel, for their ability to engage in debate on those principal issues that they believed in, but most of all for being a part of what I consider to be the greatest institution of American Government, and that is the House of the people.

VOTE ON BOSNIA IS ESSENTIAL BEFORE THURSDAY, DECEMBER 14, 1995

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, I would like to discuss today why it is absolutely essential that we have a vote on Bosnia before Thursday. The President will initial and actually sign the peace agreement on Thursday, and I believe it is absolutely vital that we go through this one more time so that we are certain we have done everything that we can to be sure about such things as what is the vital U.S. interest. The President's discussion of that in his speech was absolutely inadequate. It would apply to any trouble spot in the world.

I said during the campaign, and I would say now, I would only support U.S. ground troops anywhere in the world if clearly defined and easily understood vital U.S. issues are clearly threatened. In addition, the President promised specific detailed information on the mission, the objective, and the objective to be achieved so that we can leave in 1 year. Specific detailed information. I have not seen that. It may have been given, but I have not seen it.

Mr. Speaker, sad experiences have taught us it is very easy to move troops in; it is very difficult to accomplish the objective once they are there, and extremely more difficult to get out in a timely and honorable way.

I believe we must do everything we can to prevent funding, to in every way tell the President this is not a good idea and that the American people are not thrilled about this Bosnia adventure. I think we must do this before the signing, before the decision is irrevocable.

We know and the people know, Mr. Speaker, that the Bosnia adventure is folly. The President is ignoring the public, as he ignored the 315 Members of this House that voted asking the President not to make our troops in Bosnia a part of the peace agreement. He went and did it anyway. I think ignoring the people and the Congress is a shocking thing, and I think that we do have to have the vote to either endorse the President's action, which may happen, or tell him clearly that it is not in the public interest.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

SECRETARY O'LEARY THE CLINTON ADMINISTRATION'S MATERIAL GIRL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, Secretary O'Leary is the Clinton administration's material girl. Secretary O'Leary has taken 16 overseas trips since she has taken office. She has been gone 130 days. That is, amazingly, 50 percent more time overseas than Secretary of State Warren Christopher, who is responsible for foreign relations and responsible for foreign policy.

There is no material reason why the ''material girl'' spends so much time overseas. The Secretary of the Department of Defense is responsible for the storage of civilian and Department of Defense nuclear waste. She is responsible for the national energy labs, power marketing administrations, and storage of strategic oil reserves But Clinton's material girl, all her responsibilities are domestic. Domestic responsibilities.

But Secretary O'Leary has leased a luxury jet, the same luxury jet that Hollywood's material girl, Madonna, uses. Let us look at one of the trips she spent on the Madonna jet. She went to South Africa. She was gone 10 days. She took 51 staffers, 58 guests, a total of 109 people. Photographers were hired. They hired video crews to record the whole event. The cost to the American taxpayer, $560,000.

Now, Vice President GORE has tried to defend Secretary O'Leary's travels, and he has said her trips have created thousands of American jobs and billions of dollars in contracts, so I think it should all be in perspective. Well, early in the year, when I was debating Secretary O'Leary on the MacNeil-Leher report, she stated she had produced $19.7 billion in business contracts. Last month she revised that down to $10 billion. Now we find out it is closer to $1.4 billion, and those are only signed letters of intent, not signed contracts. And a large part of that $1.4 billion is claimed by Secretary Brown. In fact, he is taking full credit.

Well, the gentleman from Ohio [Mr. HOKE] and myself have requested a General Accounting Office audit to find out how this horrible waste can be accounted for. The material girl has spent millions of dollars in travel, but it does not stop there. Secretary O'Leary hired one of her personal friends, after laying off thousands of people, she hired her for a job title she created called the Department of Conflict Resolution Ombudsman at $93,166 per year plus $12,000 a year living expenses.

We did not know about that part of the material girl when 80 of us called for her resignation. We thought that was bad enough, because at that point she had just hired a private investigative firm to develop an unfavorables list, for $56,500. A list of Congressmen and reporters that she could work on a little. That should have been enough, but even after the travel there is more.

We have found out that the material girl has redirected $500,000 from the Department of Interior to the Government of India so that they can clean up the Taj Mahal before she arrived. A half a million dollars to clean up the Taj Mahal.

Well, this is just the tip of the iceberg. This reflects the mismanagement that is going on within the Department of Energy. It is time to turn the lights out at the Department of Energy. It is time for Secretary O'Leary to resign.

□ 2100

RACISM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, it is seldom that I take the floor to do special orders, but today I feel compelled to do so because of the rapidly escalating mean-spirited activities that I have read and heard about that are occurring in our country.

On Saturday morning when I went to my front door to pick up my newspaper I was appalled to see in bold letters the following headline ''3 White Soldiers Held in Slaying of Black Couple.'' According to the news report, Michael James and Jackie Burden were just walking down the street at 12:30 Thursday morning in a black neighborhood in Fayettevelle, NC, when three white paratroopers who were ''cruising the streets of Fayetteville searching for blacks to harass'' shot them in the head.

The article went on to say that one of the soldiers ''made no secret of his white supremacist views . . . and during his off-duty hours . . . associated with four or five other soldiers who all wear black boots with white laces and red suspenders, a style that represented an unofficial skinhead uniform.''

A few months ago I was greatly disturbed when it was reported that agents of the Bureau of Alcohol, Tobacco and Firearms displayed racist signs at their summer outing. Earlier, the fact came to light that some employees of the Dennys restaurant chain had refused to serve a busload of black church people and had given clearly discriminatory service to members of the U.S. Secret Service who just happened to be black.

Last week I picked up the Roll Call newspaper and was alarmed to find on the front page an article entitled ''Police Probe Anti-Semitic Incident by House Pages'' which stated that ''The Capitol Police department is conducting a criminal investigation into an act of anti-Semitic vandalism at the House page dorm''. It appears that some of the pages got into a dispute and one found a swastika on his door the next day. While it is not unusual for teenagers to sometimes find themselves in disputes with their peers, but it is alarming to see young teenagers resorting to such hateful means of expressing their disagreements.

I have recounted these stories which are a minute illustration of the myriad incidents that are occurring throughout the Nation because I am concerned about America. Nowadays I don't hear the real Americans speaking out against the racism which has been resurrected and is rearing its ugly head with a roar.

I am concerned because when many of those in this body speak of cutting destitute families off welfare, it is not really about the green buck, but about the black face.

I am concerned because when we discuss the issue of school prayer, it may not really be about prayer itself, but about to whom we pray.

I am equally troubled because some misguided black folk are engaging in reactionary hatred. Racism is un-American from whatever source.

As a Nation, we hold ourselves out to be tolerant of others and their beliefs. We pride ourselves on being the melting pot of the world, we declare that all men are created equal and that we each have the unalienable right of life, liberty and the pursuit of happiness; and yet America is allowing these atrocities to continue—and I don't hear the leadership in this Congress or in this country speaking out against them.

We are currently deploying young men and young women in the prime of their lives to Bosnia in an effort to bring peace to that part of the world, while at the same time, some racially-crazed military personnel right here in America are modern-day lynching black folk.

We sing that we are the land of the free and the home of the brave, but black America is not free and those who set out to purposefully do us harm are not brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

[Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE 125TH ANNIVERSARY OF SWEARING IN OF FIRST BLACK MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, I see my colleague, the gentleman from Maryland [Mr. MFUME], who is still here in the Chamber, and I extend to my colleague from Maryland, who is my colleague and my friend, I extend to him my sincerest best wishes as he takes on a new challenge in his life in leading the NAACP into the 21st century. Over the last 11 months, I have

seen my friend be the consummate professional, and I extend to him my very best wishes in his new endeavor and challenge.

Mr. Speaker, I want to pay tribute tonight to an important anniversary. 125 years ago this very night, the first African-American Congressman was sworn into the U.S. House of Representatives. He was a Republican—a member of the party of Lincoln. He was the Honorable Joseph Hayne Rainey and it was the start of a legacy that continued. Senator Hiram Rhodes Revels of Mississippi was the first black Senator and then Congressman Jefferson Long of Georgia, Robert DeLarge of South Carolina, and Robert Elliot of South Carolina and the list goes on with 20 more Members of Congress serving with Mr. George White of North Carolina serving in the 55th and 56th Congress.

Following the seating of Congressman White in 1897, 15 sessions of Congress passed until another African-American was elected to Congress. In 1928, Oscar De Priest of Illinois became the first African-American elected to Congress from outside the South.

What an odd turn around has occurred and what an important time for us to stop and take stock. Folks, I look forward to the day when all of us will be judged by the content of our character rather than the color of our skin. These people we honor tonight has gone before us as trailblazers—as members of the only party that was founded on an idea—the idea of freedom.

The party of Lincoln believed in equality of opportunity, empowering people, not government, cultural renewal because these are principles which transcend race, creed, color. Lincoln so fervently believed in a government of the people, by the people and for the people that his emancipation proclamation enabled all of us—those who have gone before me and the current African-American Members of this Congress to serve. Freedom also make it possible for every person in this U.S. to have the opportunity to serve regardless of race, creed, or color. Black Americans and white Americans must be full partners in developing policy of this great Nation.

Those were brave souls who first ran after being enslaved. Those were brave souls who against all odds decided they would put their name in the hat for public service. Those were brave souls who went before us in Congress and we must honor them by doing the right thing, now.

Mr. Speaker, we must honor these hallowed Halls and the sacred trust of those who sent us here by telling the truth, by honoring the constitution and by making sure that the ultimate source of power is always with the people of this great Nation.

We must honor those who sent us here by honoring God and seeking his guidance on important issues as those who went before us. We must honor the trust of these Halls by being kind and extending a hand to all people to serve with us.

Mr. Speaker, on this 125th anniversary of the first African-American, Mr. Joseph Rainey from South Carolina to serve in Congress, I thank God for this Nation that allows J.C. Watts, Jr.—the fifth child of J.C., Sr. and Helen Watts to also stand and serve in this Congress. I owe a great debt to those who have gone before me and I hope that we can leave an even better legacy for our children—red, yellow, black, and white.

SEND THE RIGHT MESSAGE: SHOW SUPPORT FOR AMERICAN TROOPS SENT TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening in anticipation of this body voting on a resolution in regard to the situation in Bosnia sometime before the end of this week.

Mr. Speaker, like many of my colleagues in this body, I have expressed grave reservations over the last several months about the possibility of placing our ground troops in the Bosnian theater. I have recorded my vote on at least two occasions in opposition to sending ground troops in, despite having supported the President's use of U.S. forces for air strikes, for the sealift and airlift, and for the command and control and other support necessary for NATO's involvement in that part of the world.

While I have opposed the use of ground forces in Bosnia, and while this body has gone on record on at least two occasions in stating its opposition to the use of ground forces, at one time by a vote that gathered in excess of 300 Members of this body in a bipartisan manner, all of us know that in fact the President has made his own decision to deploy troops and, in fact, that deployment is taking place as we speak here this evening.

Therefore, it would be my hope that the resolution that we consider this week does not, in fact, send in any way a signal to our troops that we do not support them.

Mr. Speaker, I come tonight before our colleagues and I ask them to consider cosponsoring this evening, or tomorrow morning, sometime tomorrow, House Concurrent Resolution 118. This bipartisan legislation was introduced by myself and my good friend, the gentleman from Pennsylvania, PAUL MCHALE, who is also a member of the Committee on National Security.

Mr. Speaker, House Concurrent Resolution 118 is a sense of the Congress resolution that has had its language mirrored in two other pieces of legislation; one that has since been introduced in the House, and a second that has been introduced in the Senate by Senator DOLE, that basically puts this body on record saying that while we have voted against sending ground troops into Bosnia, that in fact the President as Commander in Chief of the military has the authority to do that and has done such.

Therefore, while he has taken actions that we have, in fact, expressed our concern with and oppose, it is time now to support the troops as they follow out the requirements laid out by their Commander in Chief, the President of this country.

So, Mr. Speaker, our resolution states we in fact support the troops, even though we have opposed the policy. But it goes on to state something even more important, Mr. Speaker, something that I think every Member of this body wants to express their support for. That is, now that we have committed troops to Bosnia, and now that this President as Commander in Chief has spoken, we want to make sure that there is no second guessing of the military requirement to support those troops; that in fact when General Joulwan, who is the theater commander for the entire operation in the Bosnian theater, asks for support, troops, or equipment, that there is not a second guessing of that request; that that request is dealt with immediately and is dealt with in a forthright manner.

The reason why it is important for this body to emphasize that support being immediate, Mr. Speaker, is because of what occurred in Somalia, where a similar request came in by the commander in charge of the Somalian theater in August, 1 month before an air fight occurred between American forces and one of the Somali warlords, which caused 18 young Americans to be killed.

There are some who have said that if we had given that commanding officer the support he asked for, perhaps we could have saved those 18 lives. So, while we may disagree with the President's policy, but he has the right to do what he has done, and while we want to support our troops, let us also go on record, Mr. Speaker, in a very emphatic way, and say that we want to make sure that the administration knows, that the Pentagon knows, that when the commanding officer in Bosnia asks for additional backup, that he gets immediate consideration. That is perhaps the most important statement that we can make this week.

Mr. Speaker, I hope our colleagues will cosponsor House Concurrent Resolution 118 and will also vote for it if given the opportunity to consider its passage when it comes to the House floor. House Concurrent Resolution 118 enjoys broad bipartisan support. The gentleman from Pennsylvania, JACK MURTHA, one of our leading members of the minority party on defense, is supportive, as is the gentleman from California, DUKE CUNNINGHAM, as are members of our Committee on National Security, the gentleman from Rhode Island, PATRICK KENNEDY, and the gentleman from Hawaii, NEIL ABERCROMBIE, as well as some of our younger

Members, the gentleman from Montgomery County, PA, JON FOX, and others who are joining with us in making this statement.

Mr. Speaker, I would encourage our colleagues to join with us tonight and tomorrow in supporting House Concurrent Resolution 118, to send the right message from this body as to where we stand in terms of full support for a decision that many of us oppose, but now must show that the troops will not be shortchanged when it comes to protecting their lives and their well-being.

□ 2115

FORT BRAGG ATTACKS

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today I wrote a letter to Attorney General Janet Reno, and I would like to share its contents with my colleagues. I wrote:

I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina.

These senseless slayings were apparently random, inasmuch as the slain couple was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military.

I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

At least one of the three soldiers held white supremacist views and was known to display a Nazi flag over his barracks bed and to keep a 9mm handgun in his locker. I understand that a bomb-making manual was also found in his room. More disturbingly, all of the suspects appear to be members of a right-wing group called the ''Special Forces Underground,'' which publishes a magazine called the ''Resister.''

Members of this group have been seen wearing black boots with white laces, red suspenders flight jackets and chains, an unofficial uniform.

I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot in the head, assassination style.

The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.

Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group.

Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group?

Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they?

And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation.

I look forward to hearing from you soon.

Mr. Speaker, I would like to insert the letter into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. JANET RENO,
Attorney General of the United States,
U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina. These senseless slayings were apparently random, inasmuch as the slain coupe was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military. I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

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I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot, in the head, assassination style. The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.

Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group. Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group? Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they? And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation. I look forward to hearing from you soon.

Thank you for your consideration and cooperation.

Sincerely,

EVA M. CLAYTON,
Member of Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SALUTES TO KWEISI MFUME AND SHIMON PERES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to join my colleagues in making a salute to Congressman KWEISI MFUME, a man of great compassion, a great colleague, a champion for civil rights, a man of passion, integrity and resolve who is accepting the new position of head of the NAACP here in the United States. As its new leader, he will take the NAACP to new heights of accomplishment because of his strength of character, his compassion for others, and his dedication to principle. We all wish him well in his new position.

I would also like to make a salute to Shimon Peres who gave a very stirring speech today before a joint session of Congress. I had the opportunity to meet with now the prime minister, then the foreign minister of Israel this summer in a special congressional delegation visit, only to see his leadership, his vision, his perseverance, his love of Israel and his love of America.

As Prime Minister Shimon Peres said today, he was speaking of his fallen comrade Yitzhak Rabin, he said they ''were always firm believers in the greatness of America, in the ethnic generosity inherent in our history and our people. For us, the United States of America is a commitment to values before an expression of might.''

He continued by stating that Israel is a small land, 47 years old, but 4000 years deep in history. Before coming here to the United States, Prime Minister Peres visited King Hussein. They discussed the possibilities of transforming the Jordan River Valley which is, in fact, an elongated, extended desert into a Tennessee Valley. He then met with President Mubarak of Egypt in a highly congenial atmosphere. They agreed to put aside bitter memories and to postpone certain disputed issues for a future date.

He finally met with Chairman Arafat of the PLO and his expression of condolence had the ring of a sincere desire for peace.

What is next for Israel? Peace with Syria and Lebanon, the two remaining adversaries on Israel's borders. Peace with these two countries may well prove to be the greatest contribution to the construction of a new Middle East peace.

In Shimon Peres' own words, he said the following:

Nothing would capture the imagination of young people everywhere than a gathering

of, say, 20 Middle East leaders, all of us standing together with you, our American friends and others and declaring the end of the war, the end of the conflict, thereby carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace. We shall tell them together, as partners, we are going to build a new Middle East, a modern economy, that we are going to raise the standard of living, not the standard of violence, that we are going to introduce light and hope to our peoples and their destinies.

Remember the peace rally at Tel Aviv just weeks ago, where we had Yitzhak Rabin die. The singer, not the song was killed. Though Prime Minister Yitzhak Rabin has died, the dream lives on. For those who believe in a lasting peace for the Middle East and peace across this world, the people of Israel, the people of the United States and the people who believe in Shimon Peres, that he, in fact, is the one who can carry forward in Israel and to work with world leaders like our President and this Congress, we say God bless him on this mission.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, I would like to begin tonight by adding my voice to those who praised the colleague who spoke here a few minutes ago, Mr. MFUME. This institution will be impoverished by his departure, but I am certain that his country will be enriched by his continuing service at the NAACP, a different kind of service, the same ideals he has served us. Please let my voice be added to the record to those who say we will miss him.

Mr. Speaker, as the country watches our continuing debate about the balanced budget, I wanted to say a few words tonight about why a balanced budget is so important beyond Washington bookkeeping or Federal financial statistics. We spent most of our time the last couple of weeks talking about how best to balance the budget. I would firmly stand with those who believe that we can do so without forcing a part B premium on our senior citizens Medicare or by taking reading teachers out of our public school and private school classrooms or without undercutting our ability to protect and enforce our environmental laws. Tonight I would like to talk about why it is so important to balance the budget in terms of the workaday life and family budgets of people all across our country.

I represent an awful lot of people who are struggling an awful lot in 1995, people who are unemployed, people who are barely employed, who are struggling at or just above the minimum wage to try to pay their bills with very little help from the government that assembles here. People who are woefully underemployed, who are making 70 or 80 percent of what their family budgets require. People who are employed but who feel that their employment is hanging by a very thin thread, that they may be the next victim of a corporate downsizing or a massive layoff. People who are retired, who thought that they were going to be able to get by on whatever they had in the bank when they retired, plus their Social Security and, if they had a pension, plus their pension, who have found that those assumptions really do not work for them anymore and they are still in real trouble.

There are people who have never been employed who went to college, went to school, got their job training, got their education and cannot find that first job that puts them on the path to a successful career. How does a balanced budget affect each one of these people?

I would suggest that it affects us, Mr. Speaker, in four ways: First, every dollar that the Federal Government borrows to run its operation from the savings pool of this country is $1 less that an employer, an entrepreneur, a business person has to start a new product, expand his or her business, and hire more people. Every dollar Uncle Sam borrows to meet the payroll is a dollar that cannot go to generating new payroll in companies and employers across this country. It is that simple.

Second, every time we pile up another dollar of debt, we have to spend more money to service that debt, just like if, Mr. Speaker, we raised the amount we owe on our credit cards in our family budget, the amount we have to pay toward that credit card each month continues to rise and rise and rise. This year it is in excess of $200 billion, almost $300 billion by some accountings, just interest on the national debt. What else could we buy with that money if we did not have this huge debt?

We could fully fund Head Start so that every child in this country who is eligible would be in a proper child care program. We would not have to worry about cutting back on Pell grants or student loans because there would be ample money for that. We could give a significant income tax reduction to everyone across the country with that money or perhaps, most importantly, we could start paying down the national debt that has been accumulated over here for such a long time.

Every time we send a dollar to pay, or a bond for this borrowed money, it is a dollar we are not spending on education or the environment or our military or health care or veterans programs or something for children. It is a mistake.

Third, the Federal deficit as it grows, continues to rise and put pressure up on interest rates. That means that every time someone buys a car or takes out a mortgage or makes a purchase on their credit card, it costs them more than it otherwise would. As the supply of money stays the same but the demand for money goes up because of Government borrowing, the price goes up. It is the law of supply and demand. Not even the House of Representatives can repeal that law. It forces interest rates up and forces the costs for family budgets up. We would all be better off if it did not happen.

Finally and perhaps most importantly, we have developed a psychology of borrowing. In my opinion, it is an irresponsible and immoral psychology of borrowing that says that we can give out benefits today. We can spend money today and pass the cost along to future generations in the form of a lower standard of living, higher taxes, jeopardized Social Security benefits and a lower level of Government services.

That is not fair. It is disingenuous and it is wrong.

In the days and weeks ahead, let us work together. Let us find the common ground, and let us finally balance the Federal budget.

ON EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, I would like to go through this special order tonight on education. I would like to cover some of the myths, some of the truths, some of the other, basically the good, bad, and the ugly of the program.

First of all, I covered a little bit of it the other night when we split up, with the gentleman from California [Mr. DORNAN], talking about Bosnia, but I would like to reexamine some of the figures. First of all, the Federal Government provides only 7 percent of the funding for education. Let me repeat that. The Federal Government provides only 7 percent of the education. The other 93 percent is paid for by State revenues.

Now, of that 7 percent that goes down, less than 25 cents on every dollar that we send back here to Washington, less than 25 cents on a dollar goes back and down to the classroom. Why? Because of the bureaucracy that eats up the dollars in between. So it is a very inefficient system.

When people talk about Head Start and Goals 2000 and some of the better programs, it would be much better to get a better return on the dollar at the State level and provide those systems without the Federal intrusion.

□ 2130

Now, also that 7 percent that the Federal Government sends down to the States, that 7 percent takes over 50 percent of the rules and regulations to the States and the schools. Only 7 percent requires over 50 percent of all the State rules and regulations. It requires 75 percent of all the paperwork that a State has to do.

While that is being accomplished, that also affects the 93 cents on a dollar, or 93 percent, that the States fund education itself. If we look at just the State of California, which I am from, and let me go through and you can go through State by State and find out that there are many similarities, but let us look at the State of California. Why is education being shut down right now and programs are being cut? Why can we not get school bonds passed? Why can we not put a tax increase on the State recipients to support our education systems? Why do we have teacher and school programs that are being canceled under the current system as it exists today?

If we ask ourselves those questions and we look at the problems we are having in every State on our education programs, then I would think Members on both sides of the aisle would say there is a lot of room for improvement.

Let me take a look at some of these factors that affect the State of California. Remember, again, 93 cents on a dollar, 93 percent of all education is paid for with a State tax dollar. So that means you have to have people working in the States that are paying taxes.

Let us take a look at the 1993 tax bill under President Clinton. President Clinton cut defense $177 billion. The State of California is one of the largest defense States in the Union. A $177 billion cut as between our military and secondary and defense-related jobs has lost over a million jobs.

Now, let us say that a portion of that million jobs that were lost in the defense industry and our military, they get another job. Well, studies have shown that they do not get the same high scientific-level job but it is something less, so there is even less revenue. But let us take half of that, or even a quarter of that, that those people do not have jobs in the State of California. Now, that means less revenue, 93 percent less revenue that goes into the coffers in Sacramento, CA, for education and for law enforcement and the other infrastructures.

Let us take a look at another factor in the State of California, and primarily on the border States. There are over, Mr. Speaker, there are over 800,000 illegal aliens in kindergarten through the 12th grade. I only use the term 400,000. That way it cannot be disputed. But there are nearly a million illegals in kindergarten through 12th grade in the State of California.

Let us take a look at just the school lunch program. Of that 400,000, the majority of them are under 185 percent below the poverty level. At $1.90 a meal, that means if you take that times 400,000, that is over $1.2 million per day just going to illegals in the school lunch program. And then? we talk about that we do not have enough dollars for education. It takes about $5,000, I think the average is around $7,000 nationwide, but it takes about $5,000 a year to educate a child in the State of California. If we take that and multiply it times 400,000, that is over $200 billion out of the coffers that we could be using for education, Mr. Speaker, in the State of California.

We have documented 18,000 illegal felons; these are just the ones that are caught, in California prisons alone. There are actually about 24,000 aliens, but only about 18,000, between 16,000 and 18,000 of those are illegal aliens in the State of California prison system at an average of $25,000 a year to House them. We are spending billions of dollars in a program that could go for education. When they talk about there are more prisons then there are dollars for education. That is the one area that we could really work on is to stop the illegal immigration into the United States and protect our borders.

Over half of the children born in San Diego and Los Angeles hospitals are to illegal aliens. Then that child then becomes an American citizen and qualifies for all of the Federal programs. That, again, is draining the resources out of Sacramento, the dollars that we need for education.

Let me just, Mr. Speaker, let me go through one single, just one single Federal program that was written with good intent, and in many cases has done a lot of good but has gone to the extremes. I would talk about the Endangered Species Act.

You say, ''DUKE, how does the Endangered Species Act affect education?'' Let me tell you, Mr. Speaker. How many jobs have we lost in the timber industry and the billions of dollars of revenue in the State of California that would go into the Sacramento coffers for education? Billions of dollars.

Look at the gnat catcher and the construction industry in the State of California. It has cost us billions of dollars of revenue that is not going into our coffers for education. I look at the water and the salmon and Central Valley water project that was passed when we were not in the majority. Look how that has affected the farmers in the State of California. California's No. 1 commodity is agriculture. A lot of people do not understand that.

Take a look how it has affected the farmers, avocados and exports and different areas, again revenue. How many jobs, Mr. Speaker, have we lost to the tuna industry because of the porpoise? When we have valuable resources and we have systems in which even in the Panama agreement that have been represented by five of the environmental groups, except for Earth Island, that receives a lot of its money, over a million dollars, just for the Tuna Save, but yet they are one of the organizations that does not support logical reform in the tuna industry.

I look at the kangaroo rat, the least tern vireo, the California desert plan that took millions of acres off of the tax roles that do not go into education, hundreds of thousands of jobs and billions of dollars of revenue that is not going into the coeffers in Sacramento, Mr. Speaker, and then we are having to close down education programs because we do not have the funding.

You will find that library services and media and central and study halls and those areas are being closed down, not just in the State of California but across this land, because of the lack of jobs and because of the lack of money that is going into those coffers from the State level because of Federal systems.

Alan Greenspan, and my colleague just a minute ago spoke eloquently about the need to balance the budget, another reason we do not have dollars for education, Mr. Speaker, Alan Greenspan testified last week before the committee that interest rates have gone down 2 percent primarily because the markets and the lending industries believe that the Republicans can balance the budget in 7 years. He also warned that if that belief goes away, that interest rates will not only rise beyond the 2 percent but will keep spiraling upward.

What does that mean, Mr. Speaker? For example, a college loan, let us talk about an individual family in California or your State or anybody's State, a college loan with 2 percent interest rates over 4 years at $11,000 means $4,500 back in either the student's pocket or the parent that loaned the money in the first place, $4,500.

People are wondering why, why are two people having to work and they cannot make ends meet. I mean, it is crazy. In the State of California, and I am sure across the States, where people are having to work, they are slaving, they are working 10 to 12 hours a day and they are just barely making it on a margin in small business. But if you look at the interest rates, for example, in a home mortgage, why are they paying these excess costs? Why can they not make it? A home mortgage, 2-percent reduction, $90,000 mortgage, which is not real high in the city of San Diego, it is in the inner cities, but a $90,000 mortgage, 8.5 percent fixed over 30 years means $37,500 back in the pocket of that individual, and you can attribute that to the balanced budget, or lack of a balanced budget, because of those interest rates.

Alan Greenspan also said that those interest rates will continue to go down if we balanced the budget by 2 to 4 percent, and think of the dollars that that will put back into the pockets of the American people. They will buy products. The cost of goods will go down. And that will mean there will be more dollars in the coeffers of Sacramento for education.

An auto loan, $15,000, will be a thousand dollars back in the pocket of an individual. I am sure, Mr. Speaker, you would like to have another thousand dollars in your pocket to spend at Christmastime, or whatever, and, by the way, then you are going to buy a hamburger, you are going to go to a movie, and that is going to support the other businesses. That revenue is going

to be generated, and it is going to go into, again, 93 percent of the revenue for education, which comes out of the State, and we need to provide that.

But that is another reason why the balanced budget is important to education.

I would like to provide for the RECORD, Mr. Speaker, an article where it says the Endangered Species Act, in the State of California, has added $44,000 per home in the State of California. Let me repeat that: The endangered species has added 7.5 percent to every home, and we are talking about low-income homes for the poor and the impoverished, and we increase it. We just talked about how important 2 percent is. If it is increased 7.5 percent, $44,000 per home. Why? It is because in endangered species, you have got set aside land, and you build on others' lands. Who is going to pay for that? The consumer is going to pay for that, Mr. Speaker, and in doing that, that means less revenue again for education that goes into the coffers, and so on.

I would like to provide that for the RECORD. It is called ''Habitat Protection Raises Building Costs.'' It is ''In the Opinion,'' North County, San Diego. I will give you that in just a little bit. It is very important why we do not have the dollars in education.

Let me tell you about this institution, Mr. Speaker. For the past 40 years, it has been about power. It has been about the power to be reelected so that you can maintain a majority. That power has emanated from the ability of the Federal Government to disburse money down to many groups. I am sure, like myself, every day we have people coming into the offices for dollars. Everything is important. They can find a reason to support their particular Federal program.

But that is why we have ended up, and in all the debate about why the deficit and the debt are important, it comes down to what is important for us in education. But if you take a look at what we are trying to do is take the power out of Washington, DC, because the power to be reelected equates to the power to disburse money out of the Federal Government, which acquires power at a Federal level, and a bigger bureaucracy to disburse those dollars. Those dollars that go down to disburse are as little as 23 cents on every dollar. There is only 30 cents on a dollar in your welfare programs because of the bureaucracies.

Some of my colleagues will tell you, well, look, you are cutting education, you are cutting education, you are cutting the money for the environment, you are cutting the money for Medicare. We zeroed out, Mr. Speaker, the dollars for Goals 2000 on a Federal level. Absolutely, you could say on a Federal level it is accurate to say we cut Goals 2000, zeroed it out. But as Paul Harvey says, the rest of the story is we take the dollars and we send it directly to the State, take those dollars directly to the State, and the State can run a Goals 2000.

The proponents of Goals 2000 will tell you, well, it is a voluntary system. It is the old bait-and-switch, Mr. Speaker. It is voluntary if you do not want the money in the Goals 2000, and I would challenge you to read it. There are 45 instances that says ''States will,'' ''States will,'' mandates from the Federal Government. It set up five, actually six bureaucracies and institutions, new bureaucracies and institutions that the States have to adhere to. You have to file boards. You have to send the reports to the Federal Government, and guess what, Mr. Speaker, while you have got this manpower at the State that is having to do all of these things which takes dollars away from the classroom, you have got a catcher's mitt of bureaucracies on the other end receiving all of those reports and analyzing. Do the States meet those requirements? Do we allow them to run with the dollars just like it is?

The answer is, again, it is a waste of taxpayer dollars. Let us do away with that:

□ 2145

Remember, 7 percent requires over 50 percent of the rules and regulations. Let us send it to the States. Let us let the States run their own Goals 2000, and prosper better. But yet my colleagues on the other side of the aisle will say ''You are cutting Goals 2000, a good program.'' If it is so good, let them run it, but let them run it at the State level, without the Federal bureaucracy and the Federal intrusion.

As I mentioned, there are 45 must-do clauses, while it only has three that said you should do in Goals 2000. Six new bureaucracies and research institutions under Federal control. It is also established and run by the union bosses and the Federal administration.

In 1979, the Department of Education doubled. It went from $14.2 billion to $32.9 billion. If the President's direct loan program were allowed to be affected, it would be the largest lending institution in the United States. That is Federal intrusion, that is Federal control, and it is Federal waste, Mr. Speaker.

Per pupil spending grew 35 percent between 1979 and 1992. Federal programs and taxes have increased threefold. SAT scores have declined 12 percent, and yet we have less than 12 percent of our classrooms that have a single phone jack. We look at the bureaucracy that eats up the dollars, and we look at why we do not have dollars for education.

Let me give you another idea about Goals 2000. The humanities standard at the Federal level, after spending $900,000, $900,000, was suspended, Mr. Speaker. One of the required standards was that English be replaced, English be replaced, Mr. Speaker, with the words ''privileged dialect.'' That type of social engineering and politically correct Federal intrusion is one of the reasons I believe that our school systems are doing poorly.

Look at the Federal history standards. They emphasize everything but the foundations of Western culture. I sat with the creators of those standards, with the gentleman from Michigan, DALE KILDEE, the ranking minority member on the education subcommittee that I serve on, and DALE KILDEE, an ex-history teacher before he came to this body, stood up and said, ''It is wrong. You are not teaching history, you are emphasizing non-history issues.'' For example, there is more in the Federal standards for history on Madonna than there is the Magna Carta. There is more on McCarthyism than there is on the Constitution of the United States.

These are some of the reasons why many of the people do not support Goals 2000 on a Federal level, but where at a State level, where the State establishes the standards, they can establish the same aid standards under Goals 2000, but it does not have the rules and regulations, it does not have the Federal intrusion, and it sure costs a lot less to run.

Mr. Speaker, I have heard some of my colleagues say, ''Well, we are cutting student loans.'' Well, Alice Rivlin of the Clinton administration proposed to eliminate college loan subsidies for a savings of $12.4 billion. Well, that is not done in this body. There is no subsidy taken out.

I heard my colleague just before say, ''Well, maybe we will not have to cut Pell grants.'' Pell grant awards are the highest this year than they have ever been in history.

Mr. Speaker, let me repeat: Pell grants, Pell grants that I believe in, for low income students, is at the highest level it has ever been in its history.

Now, I would also let the Speaker know that it is not enough; that with the rising costs of tuition and with the rising costs of books and college courses, that it does not pay what it was originally intended for with Mr. Pell. But we put $6.5 billion into that program.

Perkins student loans increase by 50 percent, Mr. Speaker, over 7 years. Let me repeat that. They say we are cutting education in this balanced budget. But, again, I give you the Goals 2000. Zero it out at the Federal level, yes. I want to cut most of these things out of the Federal level and put it back to the States.

The same thing with the environment. There is a lot of sand and dirt between San Diego, CA, and Maine, Mr. Speaker, and to blanket across the Nation with a rule and regulation from the Federal Government that has been obtrusive should not happen. It should be at the State level.

But, again, we are sending the money to the state on the environment. My colleagues will say we are cutting funds for the environment, we are cutting education, we are cutting Federal instruction. Let me repeat, student loans increase by 50 percent, from $25 billion to $50 billion over the next 7 years.

The Republicans will spend $340 billion over 7 years on education, job training and student loans. The last 7 years, the Democrat leadership, when they were in the majority, spent only $315 billion on education, job training, and student loans.

Spending on K through 12 education has increased by 4.1 percent, but yet we bring better management, less rules and regulations, less Federal paper, less Federal reporting, and more local, school and down at the LEA control with the teachers, the parents, and the educators.

From 1983 through 1993, the States put in education $60 billion and have increased that to $115. But yet if you take a look the increase in spending for education across the board, Mr. Speaker, on reading skills, I heard on the television today that a great number, better than 50 percent, of the children do not read up to grade level 4 in the State of Maryland.

California was last in literacy. I think there are different reasons for that. A lot of it is probably the immigration rates and other things. I want to tell you, my wife is a teacher and a principal, and there are a lot of great schools that we have across this Nation. There are some great teachers. But across the board, Mr. Speaker, our education systems are failing our children, and it is not efficient. We can do better. From both sides of the aisle we can do better, by taking the power out of Washington and putting it back at the State level.

Let us look at, for example, title I. I was back in my district this weekend, and one of the teachers said ''DUKE, don't take money out of Title I, because it is important.''

Well, let me tell you what the Clinton administration said. Title I is not achieving its goals. Comparisons to similar cohorts by grade and poverty levels show that the program's participation does not reduce test scores gapped for disadvantaged students. Indeed, Chapter 1 student scores in all poverty cohorts decline between third and fourth grades. They also go on to say that once a student goes on in education, that any gains made are lost.

Let us look at Head Start. This is again what the Clinton administration says, effective in some areas. I would say in all fairness, Mr. Speaker, I have visited some very good Head Start programs. In the State of California, my district, there is a great Head Start program. Even the administration agrees that there is mismanagement across this country in the field of Head Start. But yet we continue to pump money into it and do not demand that the standards and the values and the management is there for the Head Start program. We have got to change that.

Several studies indicate a short-term cognitive and effective social benefit for poor children. However, the same studies indicate as the child moves into the elementary school the effects decline. They decline to zero. If we are going to put the dollars into education, Mr. Speaker, that are effective, that are long lasting for our children, that teach reading, writing, arithmetic and so on, then I think we need to focus on getting what will get the best bang for the dollars.

Let us look at the student loan program, where we say we have increased student loans by 50 percent. But where did we get our savings from? The Clinton administration, President Clinton's direct student loan program cost $1 billion more than the private industry, like the banks and lending institutions. My colleagues on the other side will say ''Well DUKE, that is just for the rich. You are just supporting the special interest groups and taking it away from the Federal Government.''

Well, with the Federal Government and its mismanagement, and I think you can look across the board, that is in defense, that is in education, that is in welfare, NIH, anywhere, the mismanagement of dollars the taxpayers give us, and you can save it by privatizing that, then we will do that. So we limit the President's direct loan program to 10 percent and save billions of dollars. That is not including the savings CBO scored. They do not even know what it would take to receive those dollars back. That is just the administration fees on the direct loan program.

So, yes, there are programs that we have eliminated and cut. But, again, Mr. Speaker, those are on a Federal level in driving the dollars back down to the States.

Let me tell you about other savings that we made on the loan program. This country has a law on the books that has been overlooked. I want to separate illegal aliens form legal aliens. We have legal aliens in this country that are going to our colleges and universities. It is to our benefit to educate those aliens at a time, because they plan on becoming American citizens. Over a lifetime, for just completing a bachelor's degree, there is an increase of earnings in that household by over $300,000. Again, that means $300,000 in revenue that that person is going to earn and pay taxes on. Remember, State taxes pay for 93 percent of education, so it is to our benefit.

But, at the same time, almost anyone has been qualifying for those education loans. So what we did, let us say, which I am not, but let us say I was a low-income parent applying for a student loan at a low-income rate, low-interest rate. I would have to show what my earnings are to qualify.

Well, all we have done, Mr. Speaker, is ask the sponsor of that legal alien, because under the current law that sponsor has to sign a document that they will be responsible for the alien, that legal alien, while they reside in the United States and are working for citizenship for this country, their earnings are calculated to see if that student qualifies for a low-income loan, the same as an American citizen would have to do. We think that is fair, either as a citizen or as a legal alien, to qualify to see if you should qualify for a low-income loan.

Say, for example, Imelda Marcos' relatives came to the great State of California. We may to want to give those individuals a low-income loan, because they can pay for it themselves.

But there is an increased cost on lenders, guarantors, and agencies in the secondary markets in the Federal education loan program. We save over $1 billion, Mr. Speaker, I think that is important also.

□ 2100

Let me speak to something else, and I think we could probably get support from both sides of the aisle on this issue. As I mentioned before, we have less than 12 percent of our classrooms across this Nation that have a single phone jack in it. I think every Member in this body understands the importance of the information age in the 21st century. In the olden days, as my daughters like to report, it used to take 30 years for us to double our knowledge. It now takes 1 year, Mr. Speaker.

Look at the amount of children that are using computers now in many of the homes. Of course, many children are not. Take a look at the information they have available to them. Look at our libraries. Try to get an airline ticket without going down and using a computer. Or even in our classrooms or in our offices. Yet, less than 12 percent of these classrooms have even a single phone jack. If we want to take that 7 percent as a vision and really do something with education on a Federal level, Mr. Speaker, I think there can be a partnership between the Federal Government, between the States, and between private enterprise.

I want to give my colleagues an example. If we really want to help education, if we do not upgrade those classrooms with the technology for our children to learn, then the delta, the difference, between the rich and the poor, as my colleagues on the other side of the aisle like to point to all the time, that delta will increase significantly because we do not provide the skills for our children to go on and apply to the job market.

I have industry and small businessmen across the board come to me and say, DUKE, as little as 25 percent of the people that come to us even qualify for basic entry level into the job market because they cannot read, they cannot write, they cannot do math, or they cannot speak English. We are failing our kids, Mr. Speaker.

Now, let us work at a Federal partnership, let us work with the telecommunications subcommittee with the gentleman from Texas, Mr. JACK FIELDS. Let us create, which they are doing, a market where there is profit sharing, to where the AT&Ts and the Baby Bells, and the IBMs and the Apples work and build up our classrooms.

Let us let them make a dollar. Profit is not a dirty word, unless one is a socialist. Let us let them build up our classrooms, provide for our kids, because we cannot do it. We do not have the dollars on the Federal level to invest in our classroom.

Mr. Speaker, walk down here in Washington, DC and look at these schools. These kids are lucky to have books sometimes. Or look at a Federal housing project, where kids are carrying guns. They are not carrying books. If we do not build these classrooms and work with that private partnership, then I think we will be lost.

I talk to Alcoa and I talk to AT&T and the Baby Bells, and the people I am talking about. We have about a 3 percent disintegration of copper wire in our electronic system. We have about another 3 percent where we build new schools and new facilities. That would be a 6 percent investment in this Nation that we could work with the Federal, the State and private enterprise. Six percent a year. And it would not take us that many years to build up our classrooms.

Now, let the AT&Ts and the Baby Bells and the IBMs put the fiber optics in there, and the Alcoas. Let them make a profit from that, but, at the same time, they are investing in our school system. Let us give incentives to do that because again, if we do not do that, Mr. Speaker, our kids are going to be in the big delta between the rich and the poor because they will not hare the skills to go forward.

I want to give my colleagues a classic example. I have a school I have spoken about in the committee. It is Scripts Ranch. The city and private enterprise went in and put fiber optics into the school. Every classroom has a computer. We have boys and girls at the high school level, on the vocational side, that are swinging hammers. They are building modular units, and they sell those units, those classrooms. And if we were to inspect them, they are as good as any tradesman would do, because they are supervised by tradesmen, both union and private, by the way. And they are making sure the kids are safe when they swing their hammers. But they sell those units and they buy other high-technology equipment for that school.

On the other side, the kids that are college bound, not vocational bound, are the engineers, the computer designers and the architects. They are using the computers and they have redesigned the whole school. In the meantime, Mr. Speaker, in the summer, and were chastised for the summer jobs program. Probably not very many jobs were created by the summer jobs program, other than keeping kids busy, but let me tell my colleagues about the summer jobs program at Scripts where they have the computers and they have the kids working in vocational and college bound.

The city of San Diego hires these kids. The unions and private enterprise, under apprenticeship programs, they teach them a skill on the vocational side and they give them a better on-the-job training for their college preparation. And it works, Mr. Speaker. It is a good program. And it is an investment between the Federal, the State, and private enterprise.

This is similar to the model that I can see for this whole country, Mr. Speaker, in investing in our school systems. We can do that, if we can get away from the Federal socialized meddling with States' rights and let the States set their own educational standards, and let the States, if they want, have their own Goals 2000, and let the States do their own Head Start Program and keep the Federal rules and regulations, the inadequacies and the bureaucracy.

But, again, this place is about power. This whole balanced budget, and we will hear over and over and over again, from those that would put a socialist model on education, that this is the only place that can make those decisions. This government, at a Federal level, is the only one, because the States will not do it. We do not trust the States to do it because they want the power here in River City.

And that is what this whole debate is on the balanced budget. Because if the budget is balanced, Mr. Speaker, that power to disburse money and control dollars with rules and regulations down to the State level limits the minority party for reelection. And if we limit reelections, we limit the power. We limit the power to get reelected. It is a self-contained sewer system. That is what the budget debate is. They do not want to balance the budget because it limits their ability to flow dollars down to constituents.

I have told my colleagues about the plaque the President has on his wall during the election that said ''It is the economy, stupid.'' It is not. It should be their pocketbook, stupid. Because when we touch somebody's pocketbook, liberal or conservative, they are up here fighting for those dollars, because the Federal Government is not going to provide it for them. And we should learn that lesson, Mr. Speaker.

Mr. Speaker, I think that my colleagues on the other side of the aisle would agree with this next statement; that part of the problem that we have with education is the current welfare system. I look, and I used to teach at Hinsdale High School in Hinsdale, IL. We have some of the finest schools in the, Chicago, IL, area, and, I think, in the world. We have Hinsdale and Evanston and Nutrier. But any time we look at the good schools, the good teachers, where they have good facilities, we need to look beyond that at the inner cities and some of the areas where the education programs, like Washington, DC, or any great city that we could come across.

There is an area of about 5 miles in Chicago of Federal housing. Those kids do not carry books, Mr. Speaker, they carry guns. It is loaded with pimps and prostitutes. Their pregnancy rates are terrible for unwed mothers. And what hope do those kids have? Do we think if we put computers in those schools that they would learn? Do we think across the country there is a low percentage of our teachers that even know how to turn on or even use those computers to teach those skills?

That is why I think the intereducation program, the Eisenhower grants, even through we get very little of the money back down, I would rather have the State provide it. But if we do not teach and give our teachers the funds, the wherewithal to upgrade their schools, like title 1 and Eisenhower grants, then how can we ask the teachers to perform and teach the kids, especially when they do not have computers in there in the first place. They have to learn those skills to be able to teach our kids.

If we look at the welfare system that we have, and I think it is one of the biggest reasons why education has failed, Mr. Speaker, where we have a system that discourages a parent coming together with a mother, a single mother, and a child or vice versa. If they do, we take that welfare check away from them. We discourage that couple getting together.

And I think my colleagues on the other side of the aisle would agree that every time I have been to a college event for graduation, or someone going to an academy or an education event, where there is success, the overwhelming majority of those successes involve where parents were involved with their kids. And if we do not have the parent involvement, the percentage, of those kids are going down. Yet the welfare system deters people from coming together or even a mother working.

Take a single mother. She wants to go to work. She will have to pay for child care. She is probably going to have to buy a new set of clothes. She will have to probably get some kind of training, because she has not worked in a second or third generation in many cases. But in many cases it is not, it is someone that has lost their job, that is having a hard time and they need to go back and they need the support. But there is a discouragement to get off of the system, because, again, we say go to work. You will have to have all these other costs, but we will take your welfare check away from you.

Well, I think we need to provide that. I also do not think we have provided enough funds for the job training, which my colleagues harp on. Why? Because if we are going to solve the problems of the welfare problem and reform, and if we are asking these people to get off of welfare, then they are saying for what? If I do not have the skills, if I have never worked in my life, or I have limited skills and I cannot read and cannot write, which the statistics show across the country, and I cannot even qualify for an entry-level job, how am I going to go to work and

support my family? That is the area where I think, if anything, we need to increase the amount of job training for people, to help them get off of welfare.

I think, also, that when we look at the folks on welfare and look across the board, the low-income child is more likely not to succeed than those that come from higher socioeconomic levels. My colleagues on the other side are exactly correct on that. But the question is, Mr. Speaker, the model. Do we have a socialistic model, where the Federal Government does all and costs us extra dollars to get the dollars down because of the bureaucracy and the power and the rules and the regulations; or do we let the States, where we take away all those other costs?

My colleagues will say we at the Federal Government are the only ones that can do that. Mr. Speaker, I think that is intolerable. I think if we want to clean up our education system, we need to give States more responsibility and more power to do what they need to do. Because like I said, there is a lot of sand between San Diego, California, and Maine.

There are a lot of great programs out there, Mr. Speaker, and the States can still run those programs. But when we are getting as little dollars down that we can, down to the State level, I think that there is a lot of room for error and a lot of room that we can improve.

I want to give my conservative colleagues a caution, however, which I am a conservative. But serving on the Committee on Economic and Educational Opportunities, I have been enlightened in some cases by my collegues on the other side of the aisle, and I see one of them grinning right now. If we try to do this too fast, and we can look at the State of California and the economic situation that I have just talked about. Try and pass a school bond in San Diego County. It is very difficult. Even on a State-wide election or an initiative. Most people check no if we want to increase their taxes or increase their burden. It is very difficult to support that. Try an increase in tax, a gas tax or anything, to pick up that load to the State. People are resistant, Mr. Speaker.

A lot of my conservative friends, and which I consider myself one of, want to chop it off now; want to do totally away with it. If we do that, in my opinion, in my humble opinion, Mr. Speaker, we will damage some of the very programs that we are helping. I say that in the face of only getting 23 cents out of a buck.

But until we have that transition, until we can balance the budget, and it all ties in together, welfare, balanced budget, and education and jobs and revenue. It all ties in. It is called microeconomics. But until we can reduce those interest rates, until we can improve the economy, until we can get more dollars into people's pockets by having a $500 tax rate per child, that goes back into the pockets of people, until they can see where they are not both having to kill themselves just to get by to pay their mortgage, which they are paying $40,000 more for, or they are paying $4,500 more interest on a loan because of the deficit, then I think we will have trouble shifting that power.

□ 2215

And I think over the next 7 years, we ought to look and do very, very carefully. Are we going to make some mistakes, Mr. Speaker? Yes, we are. But I think the blessings of it are that are going to return that power to the States. We are going to reduce the size of the Federal bureaucracy back here, which is so key to the Democrat Party and their maintenance of power. And that is why they will blast us night after night saying that we are hurting the environment, we are hurting kids, we are hurting seniors and so on. What we are hurting is their power to get reelected so that they can have the power in River City.

ANNIVERSARY OF FIRST AFRICAN-AMERICAN TO SERVE IN HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me a great deal of pleasure this evening to engage with my colleague from South Carolina and others who may come, a special order dealing with an anniversary tonight of the seating of the United States House of Representatives on December 12 in 1870, 125 years ago, Congressman Rainey, Joseph H. Rainey, was sworn in to the United States House of Representatives. Today being December 12, we celebrate 125 years of that important event.

Let me say that on that day, Representative Rainey broke the color line in the House of Representatives, being the first African-American to be seated. He became a duly elected Member of the 41st Congress. A former State senator from South Carolina, he was born of slave parents. His parents were very successful as a barber and his dad purchased his freedom for him at an early age.

As a young man Joseph Rainey spent all of his free time educating himself. He followed his father as a barber and he continued to increase his education. At an early age he moved to Philadelphia where me met a young lady named Susan, and they were married and he moved back to South Carolina in 1859. Then with the outbreak of the Civil War, Mr. Rainey, Joseph Rainey, was drafted. He had to at that time work in the military.

He worked in an area providing food and serving passengers on a Confederate blockade runner and he worked in the fortification of Charleston, but he did not feel comfortable being a part of the Confederacy as a freeman and what he was able to do with his wife was to escape on a blockade runner and went to Bermuda. In Bermuda he settled in St. Georges, which is a parish in Bermuda and he set up a barber business there and his wife went into dressmaking. Both of them were very, very successful in their business in Bermuda, but as a South Carolinian, Bermuda was fine, business was great, but he yearned to go back to his home State and his hometown.

He started to hear about the fact that after the Civil War there had become opportunities for African-Americans in politics and he became very attracted to the area of politics. He decided to look into some of the opportunities and he became an active member of the South Carolina State Republican Party. He became a member of the State senate there, and in July 1870, they nominated him to fill a vacancy in the House of Representatives created by the resignation of Representative Benjamin Whittemore.

Once in Congress, and there was some time that passed before he was seated, but once in Congress, Representative Rainey was a staunch fighter for the rights of African-Americans. His first speech on the floor of the House was to gain national attention and to support a bill that imposed stiffer penalties against individuals and groups terrorizing African-Americans and white Republicans in former slave States. The speech was delivered on April 1, 1871, in the 42d Congress. The bill that he introduced was designed to enforce the citizenship rights set forth in the 14th Amendment of the Constitution and in the 1866 Civil Rights Act.

The bill, called the KKK Act, made it a Federal crime for two or more persons to conspire through force, intimidation, or threat to keep any person from accepting or discharging a public office, from functioning in court without hindrance, or from voting or otherwise participating in political campaigns under the penalty of a $500 to $5,000 fine and 6 months to 6 years in jail.

The KKK Act was enacted into law on April 20 in 1871, but the law did not immediately stop the bloodbath in the Southern States. Representative Rainey continued his work on the KKK Act by speaking in favor of the appropriations of Federal funds for the Federal courts that were set up under this act to enforce the law.

Representative Rainey was in favor of appropriating funds as necessary to carry on the court's persecution, until every man in the Southern States shall know that the government has a strong arm and that everyone shall be made to obey the law.

In the 43d Congress Representative Rainey concentrated on the civil rights measure to afford equal treatment to all in public accommodations, public transportation, hotels, amusement places, and schools. Representative

Rainey's theory was that Federal aid for education was not a regional or racial issue but an issue of national importance.

The debate 125 years ago is similar to the debate that is going on in the House of Representatives today. This proposal that he discussed way back then was heavily discussed near the end of 1873. The saddest fact about this discussion that he talked about of public accommodations is that it was not until 1963, almost 100 years later, that this public accommodations act was finally passed.

Mr. Speaker, in May 1874, when Representative Rainey was a member of the Indian Affairs Committee, he presided over the debate in the House on a proposal to improve conditions on the Indian reservations. Another first in the life of Representative Rainey was that he was the first African-American to ever preside over the House of Representatives. Representative Rainey was defeated in his reelection bid to the 46th Congress after a bitter fight in the House of Representatives with his Democratic opponent from the previous election.

Representative Rainey and his family remained in Washington for a few years before moving back to South Carolina, where he died at the early age of 55. In the obituary the Charleston News and Courier, not a friend to Representative Rainey when he served in active public life, termed him, next to Robert Elliot, the most intelligent of South Carolina Reconstruction delegation politicians, and they thought that if he had been less honest, they say he probably would have attained even greater distinction. so I think that says a lot about a man who stuck to his convictions and in his death was finally given the credit that he should have gotten in life.

Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues and the American people some of the great work of the first African-American to serve in the House of Representatives, the Honorable Joseph Hayne Rainey of South Carolina, leader in the fight for rights of all Americans and minorities in this country.

At this time, I would like to yield time as he may consume to the gentleman from South Carolina, from the Sixth District of South Carolina, Representative JIM CLYBURN.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me to participate in this special order, and I thank him for organizing this special order this evening.

As the gentleman has mentioned, it is my great honor and privilege to serve in this body from the State of South Carolina, and to be here tonight to celebrate the 125th anniversary of Joseph Hayne Rainey's swearing in as a Member of this body is a great honor for me.

As was mentioned, Mr. Rainey was born in Georgetown, SC, though he made the bulk of his political life, at least it started in Charleston, where he moved to work as a barber and there entered political life.

Now, much has been said about Mr. Rainey's early life, but let me say just a little bit about him that has not been said thus far.

When Mr. Rainey took the position, of course he was elected to the State senate in 1870. And, of course, later that same year, he opted to fill an unexpired term in the Congress; and of course, when he came here, he came to represent what was then the First Congressional District, including Charleston and Georgetown, all the way up to Florence. The First District at that time was much like what is now the Sixth Congressional District that I am proud to represent.

Now, Mr. Rainey served for a little over 8 years. During this period, he served longer than any of the other, up until that time, people of color in the House of Representatives. Having been elected in 1870, he staying until around 1879.

Now it is kind of interesting when we look at Mr. Rainey's service. He was, of course, the first of eight African-Americans to serve during this period from 1870 to 1897. The last in that period was George Washington Murray. And when George Washington Murray left in 1897, no other person of color represented the State of South Carolina in this body until January, 1993, when it was my privilege to take the oath some 95 years later.

In 1993, the people of Georgetown honored Mr. Rainey by naming a park in the city for him and erecting in that park a bust of Mr. Rainey. And it was my pleasure to go to Georgetown and to be the keynoter for that occasion, and I am proud of the people of Georgetown for paying that honor, some 123 years after Mr. Rainey took the oath of office.

□ 2230

And, of course, we are here tonight on the 125th anniversary to add to the honor.

If we were to look at Mr. Rainey's service, we have to look to the future, I would hope, We know a bit from 1870 to now, 1995, 125 years, there was not continuous service. As I stated earlier, Mr. George Washington Murray left in 1897 and, of course, he was the last from South Carolina until I came along. Of course, in 1901, George White of North Carolina left and then no one of color served in this body until the 1920's, when there was a representative, Mr. De Priest, if my memory serves me well, elected from the State of Illinois.

Now, Mr. Speaker, I mention the State of Illinois here tonight because I think it helps to make my point. As we talk a little bit about the future, I used to teach history in the public schools of Charleston. I still love to read history. I would like to play interesting games with myself, as I go through history. I want to share with my brethren here this evening and other brothers and sisters who may be watching a little bit of what I feel about what went on during the time Mr. Rainey was elected and served and what has gone on today. There is some interesting similarities.

If we are to take note of recent developments, we know that just last week, the U.S. Supreme Court listened to argument over questions involving congressional districts and whether or not the drawing of congressional districts for the 1992 elections was unconstitutional or, I guess to put it in the positive, whether or not these congressional districts were constitutional. Of course, that hearing last week was precipitated by a decision a year ago by the Supreme Court concerning a case coming out of North Carolina, commonly referred to as Shaw versus Reno, at which time the Court said that the districts drawn in North Carolina were dissolved. It was kind of interesting that for the first time in the history of the country the Court decided that the esthetics of a congressional district would bring into question the constitutionality of those districts.

Until that time, no one had ever worried about what shape a district had. We had always left it up to the States to determine how all this was done. Of course, by constitutional edict, by the court's edict, we have said that political considerations could be taken into account, incumbency could be taken into account, communities of interest, all these things could be taken into account. But all of a sudden, of course, I do not think the court has ever spoken to this, but we all know that in many communities around the country, even religion has been sued in order to determine how lines have been drawn.

The interesting thing about all of this is that, and I would hope that a bit of guidance could be gotten from the Court on this, because if you look at what was going on in 1870, I want to, I do not like to deal with numbers too much. Most people who are lovers of history do not like to deal with numbers. We tend to try to deal with facts and ideas.

But in 1870, at the time Mr. Rainey was elected from South Carolina, there were 415,814 blacks living in South Carolina. Only 289,667 whites lived in South Carolina in 1870 at the time Mr. Rainey was elected.

There is something very interesting about all of this. When the elections for the general assembly were over that year, as I just said, it was in this year that Mr. Rainey was also elected to the State senate. Serving the State senate at that time you only had 31 State senators. Twenty-one of them were white and only 10 were black. Now, not only was the population almost better than 3 to 2 black to white, the registered voters were 3 to 2 black to white. Yet those majority black people elected two-thirds of the senate to be white.

Now, of course, in the lower body, the House of Representatives, it was reversed. There were 72 blacks serving in the House elected in 1870 and 48 whites.

Now, the reason I point this out is because those people, the majority of the general assembly being people of color, decided that they did not want, for whatever reason, to run roughshod over the rights of their white counterparts and so they put in place a system of voting designed to protect the rights of their fellow South Carolinians who happened to have been white. They used a system called cumulative voting.

That system was put in place and it stayed in place from 1870 until 1879. They got rid of cumulative voting in 1879, after the State officials prevailed upon then the President of the United States, Rutherford B. Hayes, to take the Federal troops out of the South and then, according to one writer, who I cannot recall the name of at the moment, but I remember this phrase very well in my study of history, one writer said, Ratherford B. Hayes took the Federal troops out of the South and then left the quote unquote Negro up to the creative devices of white South Carolinians, creative devices.

Sounds like dissolved to me. Well, what happened, through threats, intimidation, through things like poll taxes, literacy tests, they were successful in then rendering black South Carolinians almost voteless. So when Mr. Rainey left in, I believe, March of 1879, it started a domino effect and by 1897, some 18 years later, no other person of color was left to serve in the Congress and, of course, the same year, 1901, that George White left the Congress from North Carolina, a Mr. Bolt, I believe his name was, B-O-L-T, I think was his name, from Georgetown, became the last person of color to serve in the South Carolina general assembly. Having then not only put these new systems in place, they also then, in 1896, wrote a new constitution for South Carolina. Of course, with that they put in place systems of voting that made it impossible for people of color to elect their choices to serve in the body.

Now, cumulative voting is a very interesting concept. It was not just used in South Carolina. It was born in South Carolina. South Carolina was the first State to usher this system on the scene. I believe Horace Greeley of New York initiated cumulative voting for the State of New York. At that time it had nothing to do with race. It had to do with Tammany Hall. Republicans could not get elected because the Democrats around the city of New York controlled Tammany Hall and, of course, they had locked everybody else out.

So Mr. Greeley came up with the concept of cumulative voting around 1870. It failed. He came back, I think in 1872, and this time, using a system they called, we would now call it proportional representation, they, which is a form of cumulative voting, it does not accumulate, but it is a different form of single member districts, it was successful and New York used that system at least in its lower body. It did not use it in the Senate, but they used it in, they did not call it the house of delegates at that time, it was the lower body, the general assembly. That was not the only State. Illinois used cumulative voting.

The interesting thing about Illinois is that Illinois used it because what they found in Illinois was that if you were in the northern part of Illinois, the Democrats controlled. In the southern part of Illinois, the Republicans controlled or vice versa. Do not hold me to which was which. My memory is not that good this evening. But it was divided. In other words, there was never any kind of interaction between the rural part of Illinois and that part of Illinois that was urban and, therefore, you had this polarized voting in the general assembly that had nothing to do with race. So they decided that the best way to approach that was to use the system called cumulative voting. So Illinois put cumulative voting in place in 1870, and it stayed in place until 1979. They did not get rid of cumulative voting in Illinois until 15 years ago.

Now, I am pointing all this out tonight because when Mr. Rainey served in the State Senate of South Carolina, just a few months before coming to this body, he was part of a process that looked for methods beyond winner-take-all elections in order to ensure adequate representation and fairness toward the white South Carolinians. And I tonight believe that it is time for us in this body, in the courts, everywhere else, to begin to look for methods to ensure representation and fairness to the people of color who now represent the minority in these areas. Winner-take-all elections say by their very nature that 49 percent may not ever have their voices heard or their wishes addressed, if you continue on our present course.

So I want to say to you, the chairman of the Congressional Black Caucus, my good friend from New Jersey, that I am appreciative of the fact that you have allowed me to participate here this evening because I think it is important for us to look at the historical context, not just of Mr. Rainey's election to this body but also what was going on in the country at the time of his election and how magnanimous he and other people of color were.

Before I yield back my time, let me explain what this cumulative voting is all about, because some people seem to think it is something very strange. If I might use what they did in, I think it was Illinois, maybe it was New York, where they used three-member districts. They had legislative districts.

□ 2245

Three members from each legislative district. What you do is that every voter gets three votes. That voter can give all three of his or her votes to one of the members, or can give one-and-a-half to two, or could give one vote to each of the three members in the district. And what they have found, as they found in Peoria, IL, where they use that today, they found it in Texas today, they found it in New Mexico, where they use it there, that it works. It allows everybody to participate.

I will tell you something else it does: It brings people to the polls, because when people feel they are outnumbered in these single member districts, they do not participate, because they do not think they have any chance to win. But when you go to these other methods, it allows for significant participation on the part of voters.

So, I think, as was said here earlier tonight as a part of some other discussions, that there are some things happening in our country today indicating that voters are polarized, that citizens are polarized, political parties are polarized, and we, the people of good will, ought to begin to look at our history a little bit, and hopefully learn from that history, and maybe we can find from the history some ways to bring our people together, as Mr. Rainey and his cohorts did, on behalf of the protection of white South Carolinians and white Americans throughout New York, Illinois and other States, back in the 1870's and just after Reconstruction.

So I want to thank the gentleman for allowing me to participate.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much. I certainly appreciate those remarks from the gentleman from South Carolina, bringing out history. We really appreciate the work the gentleman has done on affirmative action and some of the light that the gentleman has brought into that discussion. I certainly know the gentleman will continue the great work that he has been doing.

I just might also mention, since the gentleman used Illinois so much, that there is an interesting thing happening in Illinois as we speak. The polls have not closed nor has the tally been counted, but there is a feeling that Mr. Jesse Lewis Jackson, Jr., may win the election in the special election in Illinois, the State the gentleman has been talking about.

Well, it is very interesting that Mr. Jesse Lewis Jackson, Jr., happened to be born in South Carolina, and he was born about 30 years ago. Thirty years ago was the march in Selma to talk about voting rights and attempting to get the rights of all people to vote. His father, Jesse Lewis Jackson, Sr., Dr. Martin Luther King, Wyatt T. Walker, many of us and myself, marched in that march to try to get voting rights. So I just mention that, that it would be very interesting if the first person to be seated was a person born in South Carolina, 125 years ago to this date; that if Mr. Jesse Jackson, Jr., is elected, native of South Carolina, to be the last person to be seated tomorrow, it

would be very interesting to tie in in just an interesting way, and maybe God meant it to be this way; if he is fortunate to win, for the 125 years to be encompassed with the beginning and the end, sort of the alpha and omega here tonight on December 12.

I thank the gentleman very much.

At this time I would like to yield to the gentleman from the great State of New York [Mr. OWENS], from the 12th Congressional District of New York.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey, the chairman of the Congressional Black Caucus, for convening this special order on Joseph Rainey on the occasion of Joseph Rainey's 125th anniversary upon being elected to the House of Representatives. On December 12, 125 years ago, Mr. Rainey took his seat in this House as the first black to be elected to the House of Representatives. Shortly before that, Mr. Hiram Revels had taken a seat in the Senate, on February 25.

I think it is very important, and I want to thank the gentleman from South Carolina for taking this occasion to give us a brief snapshot of some very important history. It was a lecture that I learned quite a bit from. It was only too short.

One of the advantages in celebrating an occasion like this, the anniversary of the seating of the first African-American to take a seat in the House of Representatives, is you can review some history and deal with some little known facts that are very seldom related, and you can also make an analysis and apply it to our present day problems. I think our friend from South Carolina [Mr. CLYBURN] has just done a marvelous job of not only adding some significant facts to the little known, but also applied it to the present. I think it is very important that we try to envisage the situation that existed when Joseph Rainey came to take his seat here in this House. I think it is important that young people understand what that must have been like. I think it is important for some of us who are caught in the present grip of a situation where there is a driven home to remake America, the Republican majority here is moving to remake America, and they are focusing on the budget right now and making it appear that the most important thing in the remaking of America is a reduction in the expenditures, a balanced budget, which creates a perfect excuse for cutting a lot of programs which benefit African-Americans, the descendants of slaves, because those descendants of slaves happen to be in a situation where economically they are still the poorest of Americans. There is a direct relationship between slavery, the institution of slavery, some people call it an institution, I call it a criminal industry, the criminal industry of slavery which existed for 232 years.

Let me just repeat that. The criminal industry of slavery existed in America for 232 years. Suddenly there was emancipation. Thank God for Abraham Lincoln and the Emancipation Proclamation, which set the stage for the freeing of the slaves, but did not free the slaves. It was the 13th amendment after the surrender of the Southern rebels, the 13th amendment that was enacted by the Congress which freed the slaves across the country.

But the precedent had within set by the Emancipation Proclamation. There was no turning back after Abraham Lincoln made his historic unpopular move in freeing the slaves as a strong President, taking an action that was not approved of by the Congress, that was not approved of by his own cabinet, but it was the right thing to do. It was a shinning moment in American history.

The important thing is to put all those facts together. The 232 years of slavery. We are the descendants of people who were kidnapped and brought here, and for 232 years they were enslaved, 232 years. When Joseph Rainey took his seat, the Civil War had not been over for very long and the slaves had not been free for very long.

It is almost a miracle that you could find anyone among the slaves who could qualify, who could organize, who could go through the political process to the point of going through the State legislature in South Carolina and then coming to the U.S. Congress. It is almost a miracle, because during that 232 years there was a determination to keep the slaves enslaved. There was laws made it a crime to teach a slave to read. Most of the Southern States, had laws, and the Southern States are where most of the slaves were concentrated, had laws which would imprison you, you could be put in prison for teaching someone to read. So the miracle is that you had enough who had learned to read, who had learned something about how to organize, to be able to bring the contingent to Congress that came in during the Reconstruction period. It was a great example of the phenomena that existed from the very first when the slaves were packed into slave ships and brought to the shores of the United States.

They did not come here like other immigrants. Our forefathers did not come here like other immigrants. They were packed into slave ships like sardines. There are disputes about how many came. Very interesting, our friend, the gentleman from South Carolina [Mr. CLYBURN], was talking, and he indicated one time in South Carolina, if I heard him correctly, there were more slaves than there were slave owners and whites, more descendants people of African descent, than there were whites in South Carolina.

I remember reading some figures in several books where Williamsburg in Virginia at one point had a slave population greater than the white population. Many other States had slave populations that were almost equal or perhaps even greater.

I imagine the people that took the census at those times would not let such a situation exist. There was a conflict, of course. Any Southern State wanted to have representation in Congress, so they had three-fifths of a man and each slave was allowed to stand for, which led to probably more an accurate account or, maybe some inflation of the figures sometimes, but it was to their advantage to count the slaves, because those three-fifths added up to more representation in Congress. But in truth in many cases the blacks outnumbered the whites in some Southern localities and in some Southern States, a fact which is seldom revealed.

The laws that made it a crime to teach a black to read were not the only laws. There were other laws that related to any other kind of process which allowed for the socialization of blacks. There were laws which forbade marriage among slaves. For 232 years most of the enslaved population could not even legally get married. It was not surprising then that there were breakdowns in family structures, that slaves struggled so hard to hold together after emancipation. It is not surprising there is a legacy of problems related to families.

It is not surprising there is a legacy of problems related to economics, just plain money. If you came here as a slave, you did not come with any relatives in the old country who could send you money, any relatives who could make arrangements with relatives already living here to take care of you for a little while. If you did not have relatives, some group, other immigrants who came, they found someone here. We were not immigrants, but the immigrants who came, they found someone here they could relate to. Whether they were relatives or not, if they came from the old country, they helped.

So those people were relatively rich compared to slaves, who were deliverately torn from their tribes and torn from their ethnic backgrounds. Deliberate attempts were made to wipe out their identity, to put them together from different tribes so they did not speak the same language, and deliberately chaos was fomented.

This was the heritage they came with, economically, zero, nothing. For 232 years, since slaves were owned by somebody else, they could not accumulate any wealth.

There are recent studies that have shown that blacks in this country right now, even the middle-class blacks who have jobs and incomes which are comparable to whites with comparable education, the income gap has closed a great deal. We can say that we have made great strides and that equality is just over the horizon in terms of the income earned by middle-class, educated blacks, versus middle-class, educated whites. But there is a great gap in wealth.

A recent book shows that the gap in wealth is due to one important phenomena that exists among all other people, and that is inheritance; that even a small inheritance passed down from one generation to another, it builds up wealth. Most of the homes, which account for a large part of the wealth of new couples, most of the homes bought by new couples who are white are paid for by the down payment, or some large part of the home is paid for by the parents of the couple on one side or the other. They help. They pass on that kind of capital. There are many other examples of capital belongings that are passed on which account for wealth.

But here you have slaves, and we are the descendants of slaves who passed on nothing for 232 years. And then 100 years after that 232 years, the oppression was so great that the ability, the capacity to earn anything to pass down, was almost zero still. So is it surprising that the economic conditions of blacks in America at this very point, with all of the efforts that have been made to try to improve them and to close the gaps, they remain very serious in terms of capital and assets. Even the best off blacks, the middle-class blacks, do not have capital assets.

□ 2300

What does that boil down to? It means that if we streamline and we downsize and we take a job from a middle-class black, in a few months that middle-class black will be in poverty. There are no assets to back them up and to sustain them over a long period of time. So 3 to 6 months can spell disaster for a middle-class black earning a decent salary with a decent education.

The implications of this, I think, are not irrelevant to the discussion of Joseph Rainey. Joseph Rainey happened to be a situation where his father purchased his freedom. And I think it is to the credit of American slavery—there were some features in North American slavery that did not exist in South American slavery.

One of the things about North American slavery versus South American slavery was that in South America, the pattern of slavery for a long time was that slaves were brought over in large numbers and they were worked until they were worked to death. There was no attempt made to try to group slaves together and breed slaves and have offspring from the slaves, et cetera.

The pressure in North America, always there was a pressure, very early, this improvement of slavery so that the numbers that would come in were slowed down. And, finally, there were laws against more slaves coming in. And, finally, a law was passed which made slavery illegal and freed the slaves. There was a law to limit the number coming in. So the slave masters, the slave owners, the slave business in America did breed slaves. It found value in keeping the slaves alive. And in a sort of perverse way, that was a benefit.

Another benefit was, because of the pressure, the moral pressure, there were large numbers of slave owners who began to allow their slaves to purchase their freedom. It was a way to earn some extra income, I guess, in many cases. But for whatever reason, the purchase of the freedom by slaves even in South Carolina was a possibility. And the father of Joseph Rainey purchased his freedom, became a barber. Rainey became a barber. He had some sense of free enterprise.

Rainey was forced into the Confederate war machine later and he escaped. And, of course, I think we have related the story already of how he went to the West Indies and then came back after the war was over.

But the implications are what concern me most. I just want to close by trying to picture, again, and hoping that young people, both black and white, will try to picture a situation where slaves suddenly are able to move into politics. Slaves are begrudgingly admitted to the House of Representatives.

And this House of Representatives, which has always prided itself on being quite civil, was pretty mean and pretty nasty to the first black Congressman who came here. I just want to read from a book, which I will commend to those who are interested. Being a librarian, I cannot help but pass on some knowledge of where one can get some more knowledge. This is book called ''Black Americans in Congress, 1870 to 1989.'' And the book is printed by the Government Printing Office, because it is a product of the Office of the Historian of the U.S. House of Representatives, and it was put together when Lindy Boggs was the chairman of the Bicentennial for Congress.

So this is a very good sketch of all the black Congressman from 1870 to 1989. And the introduction of this is by RON DELLUMS, who was at that time, when the book came out, the chairman of the Congressional Black Caucus. I want to read one or two paragraphs of this.

''The 19th Century black Congressmen, who unanimously adhered to the Republican party''—that is one of the ironies of history, is that all of the Congressmen who came here, Senators and Congressmen, were Republicans, because Abraham Lincoln was a Republican. It was the Republicans who freed the slaves. How history has changed.

The 19th Century black Congressmen, who unanimously adhered to the Republican party, which had championed the rights of freed men, often found the struggle for political equality continued after their election. Many of them faced contested elections and spent a good deal of their time defending the legitimacy of their claim to a House seat. Others found it difficult to speak on the floor or were subject to the hostility of various colleagues on the floor.

I think our colleague, Mr. CLYBURN, noted before that there were all kinds of tricks employed to get rid of the black Congressmen, and they finally succeeded in getting rid of all of them for a long period of time. But every step of the way there were tricks employed, even in States where there was an overwhelming number of blacks, there were still more whites in many of the State legislatures and political offices than there were blacks, and there was still a situation where Mr. Rainey found himself challenged in election after election when he came here, due to the trickery and the various ways of denying representation.

I will not accuse the Supreme Court of trickery, but sometimes attitudes and postures, leanings, ideological bents, whatever we want to call them, can be just as poisonous as the kind of trickery that kept the number of black Congressmen very low and created misery for those who were here.

The Supreme Court, all of a sudden, as was pointed out by my colleague, Mr. CLYBURN, all of a sudden the Supreme Court has become interested in the aesthetics and the shape of congressional districts. Now, for years, since the beginning of the Republic, the aesthetics have been bad, because always incumbents and people in power, parties in power, drew the lines to get the best benefits for themselves.

So if we look over history, and we have some booklets that have the shapes of congressional districts over history, the worst shaped districts do not exist right now. There have been some far worse ones that have existed. The voting rights area districts that are being challenged now, those that happen to have black congresspersons or persons of African descent elected from them, they are not the worst that exist now. There are much worse, much more oddly shaped districts.

Suddenly the aesthetics have become a problem and we have a Supreme Court ruling that when we have these odd-shaped, strange-shaped districts, then something probably is wrong and we have a right to challenge them. And certainly if race is involved, that becomes a major factor.

We have a problem in this second period of reconstruction, when blacks finally began to get numbers in Congress which are consummate and comparable to the numbers of the population. We have officially, I think, about 13 percent of the population. Probably more, but about 13 percent. But we do not have 13 percent representation in Congress, but we are moving in that direction. We have 10. We are moving toward 10 percent. And as we move in that direction, we have these new challenges and this concern for aesthetics. It is a new kind of trickery.

I will close with the fact that the participation level in history by blacks must be raised. We must look back more carefully and more intensely at our history. Not just blacks but all Americans.

I think a great statement was made today by the Prime Minister of Israel about the greatness of America. We are a great country. There are many great attributes, and the greatness of America flowered in the 20th century. It was

not the 19th century, as we came out of slavery, I assure you, but the 20th century.

We have a lot to be proud of, but we should look back on some of the history which is not so glorious and use the lessons of that history to take care of some of the problems that keep manifesting themselves in the mean-spiritedness that is exhibited in the budget debate and in the coming set of diversions that will take place as we move toward the election of 1996.

I thank the gentleman for yielding me this time.

Mr. PAYNE of New Jersey. I want to thank the gentleman very much for those remarks. Very instructive. And let me just say, as we conclude, that as the first African-American to serve in the Congress from the great State of New Jersey, we have to take a look at history, too, in the North.

As the gentleman knows, the North was the great divide and fought against the Confederacy. But in my State of New Jersey slavery was outlawed in 1804, but the law stated that a female at the age of 21 may become free and a male at the age of 25. Well, at the time of the Emancipation Proclamation in New Jersey, there were still slaves and there were still slaves in New Jersey until after the Civil War because there were children.

It went on to say that a child born of a slave, of course, was a slave. So, therefore, before a person would get to be 21 or 25, their child was a slave; and, therefore, they continued to have slavery in New Jersey, although the underground railroad came through New Jersey. As a matter of fact, Harriet Tubman retired in New Jersey and took the little pension that she got to help other people who were more impoverished, even though she was practically penniless.

In our State of New Jersey the 13th, 14th, and 15th amendments were defeated. The 13th amendment was defeated. The 14th amendment was passed, but then it was overturned by the legislature that just ruled out the entire legislature. The party that passed it was the Republican Party. The Democrats came in and won the election by virtue of the fact that New Jersey did not want to have that ratified. And the 15th amendment also failed to be passed.

So we have a history. In 1860, New Jersey, Lincoln lost New Jersey. And again in 1864, because New Jersey opposed his policies of the freeing of slaves. And so in 1868 there was a great meeting in Trenton, NJ, where African-Americans came together to talk about the fact that they were still disenfranchised. It was difficult to vote. There was still slavery.

As a matter of fact, New Jersey supplied the South with a great deal of their products, of leather and copper and brass, because New Jersey was a State that invented some ways of tanning leather and shining brass, and so New Jersey was a key State for enterprise in the South.

So I think it is interesting, as the gentleman indicated, that we remember what happened in history. Of course, it was great that in 1868 it was the black vote that created the victory for the President in that election. As a matter of fact, in 1868 the Presidential nominee lost the majority of the white vote, and it was the 70-percent turnout of blacks in the South that could vote for the first time because of the Emancipation Proclamation in the 1868 election that caused a victory.

So I think that as we conclude here, it has been very instructive. I certainly appreciate the comments from both of the gentlemen; that 232 if a number that should continually be talked about, the years of slavery. We need to have another time.

And just talking about wealth, it was the Homestead Act, where people were able to get property, but African-Americans were restricted from participating in the Homestead Act. There were land grants where people were granted land. If they lived on land in the 1860's for over 5 years, the land was given to them.

I have talked to people who today still own property that their great, great, great grandparents got in the Homestead Act. All an individual did, they got on a horse, or they ran on foot and simply put a stake on the land, and whoever got there first owned the land. African-American blacks could not participate in that. It was not that we could not run, it was just that they would not let us run.

So I would like to, once again, thank my colleagues. I think that probably our time has been consumed, and I certainly appreciate the Speaker's indulgence. Let me say that, once again, we appreciate your comments and we should do this again because there is so much to talk about.

In the gentleman's State of New York, there were riots because people in New York did not want to fight in the Civil War. They did not want to possibly be injured or maimed fighting the South.

Mr. FALEOMAVAEGA. Mr. Speaker, today marks the 125th anniversary of the first African-American elected to the House of Representatives. Joseph Hayne Rainey, was elected to Congress in December 12, 1870, serving four consecutive terms from the First Congressional District of South Carolina. He also was the first black Member of Congress from South Carolina.

From the humbling vocation of his father, a barber, to being drafted by the Confederacy to fortify Charleston, Joseph Hayne Rainey climbed the ranks of the Republican Party, serving as county chairman and as a member of the State executive committee from 1868 to 1876.

While in Congress Joseph Rainey served on the following committees: Freedman's Affairs; Indian Affairs; Invalid Pensions; Selected Enrolled Bills; Select Centennial; and the Celebration of Proposed National Census of 1875.

He was recognized for his gracious and suave manner, never humiliating, always approachable and always in service to his constituents. He demonstrated considerable ability as the expounder of the political aspirations for African-Americans, actively seeking civil rights legislation, including the integration of public schools.

Mr. Speaker, today we pay tribute to Joseph Hayne Rainey, the first elected African-American Representative from South Carolina.

He portrayed the struggle of African-Americans, the struggle to be recognized as people and citizens of the United States. As well as the passage of the 1866 Civil Rights Act, the 13th, 14th, and 15th amendments to our Constitution, Joseph Rainey provided African-Americans a vision of what can be achieved. He fought hard for both African-Americans and caucasians, for the free and those still in chains, for the literate and illiterate, for man and for woman—believing in equal opportunity and equal access, and that race should not be an issue.

Mr. Speaker, I am in admiration of Joseph Rainey's achievement. He entered the political arena 10 to 20 years removed from the bondage of slavery, and his rise to the Halls of Congress helped lift the struggle of African-Americans to a new plain and acknowledgment.

Joseph Hayne Rainey, born June 21, 1832, died August 1, 1887. Elected to the U.S. House of Representatives 125 years ago, December 12, 1870.

Mr. Speaker, I yield back to my colleague from New Jersey, Congressman PAYNE, and thank him for the opportunity to bear testimony on this special occassion.

Mr. SCOTT. Mr. Speaker, this evening, I join my colleagues in commemorating the 125th anniversary of the swearing-in of an outstanding legislator, leader and African-American hero—Congressman Joseph Hayne Rainey of South Carolina. Participating in this commemoration is a special privilege for me because direct descendants of Congressman Joseph Rainey are constituents of mine in the Third District of Virginia.

Congressman Rainey was the first African-American ever elected to the House of Representatives, who actually served in this body. He was elected during the Reconstruction period, in a special election to fill the unexpired term created by the resignation of an incumbent.

Congressman Rainey was born to slave parents in Georgetown, SC, on June 21, 1832. His father purchased his family's freedom and taught Congressman Rainey the barber's trade. Rainey lived for a time in Philadelphia and it was there that he met and married his wife, Susan. During the Civil War, Rainey was drafted and served passengers on a Confederate blockade runner. In 1862, he and his wife escaped on a blockade runner to Bermuda, where slavery had been abolished in 1834.

In 1866, Congressman Rainey returned with his wife to Georgetown, SC, where he became active in the political life of his community. He joined the South Carolina Republican Party and became a representative to the 1868 South Carolina Constitutional Convention. He was elected to a 4-year term in the State senate. Two months later, he was nominated by his party and elected to the 41st Congress. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Congressman Rainey was an active and vocal proponent for social and economic justice during his tenure in office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that outlawed racial discrimination in schools, transportation and public accommodations. In addition, he fought to expand educational opportunities by insisting that Federal aid to education be provided to all citizens and not exclude individuals by either race or region. In the congressional debate on the issue of education, Congressman Rainey stated:

> I would not have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Another historical moment during Rainey's congressional service occurred in 1874, when he became the first African-American to preside over a House session.

Throughout his tenure in the House, opponents of Congressman Rainey challenged his elections. He faced virulent opposition by whites because he represented the interests of both his African-American and white constituents. Eventually, such opposition took its toll and Rainey was defeated in 1878.

Congressman Rainey's service in Congress was noteworthy not only for its historic significance, but for the excellent role model he set, as well, for those of us since privileged to serve in this body. We all owe him a debt of gratitude for his life and the legacy of service he left us.

Ms. JACKSON-LEE. Mr. Speaker, I am delighted to commemorate the life and distinguished congressional career of Joseph Hayne Rainey, the first African-American elected to the U.S. House of Representatives. Joseph Hayne Rainey was elected to Congress in 1870 and served until 1879. Among his achievements, the former Representative from South Carolina was eloquently outspoken in favor of legislation to enforce the 14th amendment. He laid the early ground work for the civil rights movement of the 1960's by demanding that African-Americans be admitted to all public places, and he worked to ensure that African-Americans were given all the civil rights that every other American citizen was entitled to.

Congressman Joseph Hayne Rainey was born and raised in South Carolina. His father had bought freedom for the family, and the young Joseph Rainey secured his limited education through private instruction. During the Civil War, when he was drafted by the Confederate authorities to work on forts in Charleston, Joseph Rainey was able to escape to the West Indies. He returned to South Carolina at the end of the war, and instead of exacting revenge against his oppressors, Joseph Rainey strongly supported amnesty and debt relief for ex-Confederates and white planters.

Joseph Rainey's forward-looking vision serves as a model for political office today. We can all learn from his example of courage in the face of adversity. Indeed, Congressman Joseph Hayne Rainey practiced the politics of inclusion, rather than the politics of divide and conquer.

Congressman Rainey served as a Member of Congress during the difficult era of Reconstruction. His policy was to focus on healing America, by moving the country forward into a new era. Today, the strife and division over race continues. Our work here in Congress and our everyday lives should be devoted to understanding our common goals as a Nation by working together for full citizen participation, progress, and peace. It is with a glad heart that I honor Congressman Rainey's life and career, which exemplified true public service.

Mr. CLAY. I rise in honor of the 125th anniversary of the swearing in of Joseph Hayne Rainey of South Carolina, the first black Member of Congress, into the 41st Congress.

In 1870, Rainey became the first black man actually to be seated in the House. He had been elected to a 4-year term in the State Senate, just 2 months prior to winning the congressional seat, which was being vacated because of the resignation of the incumbent, who had been accused of selling appointments to military academies. Rainey was slated as the Republican nominee and defeated his Democratic opponent in a special election. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Rainey was very active and vocal during his tenure of office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that made racial discrimination in schools, transportation, and public accommodations illegal. He argued that unless certain protections for blacks were firmly established by Federal Law, there should be no amnesty for former Confederate officials.

Rainey also fought to expand educational opportunities. Insisting that Federal aid to education was not a sectional or racial issue, but one of great national import, he produced data showing that 126,946 school-age children in Illinois did not attend school; 308,213 in Indiana were not attending; 666,394 in Louisiana were not enrolled; and in Arkansas, of the 180,000 total school-age population only 40,000 were in daily attendance. In congressional debate, Rainey said,

> I would have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Congressman Rainey was indeed an early advocate for public education, as well as equal opportunity. Thanks to his efforts, and those of other public education advocates, every child in America has access to education. It is now the task of the 104th Congress to make sure that every child has access to a quality education.

I invite our colleagues to join me in celebrating the life of Joseph Hayne Rainey by accepting and meeting this challenge.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in recognition of the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. One hundred and twenty-five years ago today, Mr. Rainey took his place in this great Chamber, beginning what was to become a long and distinguished career in public service.

Through hard work and dedication, Joseph Hayne Rainey rose from a limited educational background in the pre-Civil War South to a position of prominence in South Carolina's State government. On December 12, 1870, he was sworn in as a Member of the U.S. House of Representatives, where he served the citizens of South Carolina until his retirement in 1879.

During his time in Congress, Rainey was a forceful advocate in the battle to achieve and uphold the civil rights of all citizens, particularly African-Americans. An eloquent statesman, his speeches in favor of the 14th amendment, the Ku Klux Klan Act, and the Civil Rights Bill helped energize and give credence to the fight to end racial discrimination within all realms of society, including public and private transportation, our Nation's public schools, and the judicial system.

Congressman Rainey's agenda crossed all boundaries of race and region. As a leader in the fight to expand educational opportunities for all citizens, Rainey confronted issues which still occupy the legislative agenda over a century later. His vision of a nation where a child's future was not based upon background or ethnicity, but upon talents and abilities, is his enduring legacy and it remains a dream that we must continually nurture and struggle to achieve.

On this, the anniversary of Joseph Hayne Rainey's swearing-in as the first African-American Member of Congress, I ask my colleagues to join me in paying tribute to this noted trailblazer whose leadership on important societal issues should serve as an inspiration for all Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. His is a story of struggle and hope, perseverance, and success.

Congressman Joseph Rainey fulfilled the American Dream. No, his is not a story about instant success or one of rags to riches. Mr. Rainey's story is one of struggle, as he was born a slave in Georgetown, SC. Shortly after his birth, Joseph's father bought the Rainey family out of slavery. Soon, the elder Rainey established a prosperous business as a barber. Joseph followed his father's vocation, married and moved to Charleston, SC.

Drafted by the Confederacy in 1862, Joseph built military fortifications until he and his wife escaped to Bermuda. At the end of the war, Joseph returned to South Carolina, where he became active in the Republican Party. After establishing himself politically, Rainey was elected to Congress in 1870.

He went on to serve consecutive terms in Congress, representing his home district of Georgetown. And, as many of us know, that is no simple task even after 100 plus years of Reconstruction. In my State, I am the first African-American Congressman to represent Florida since 1871, when Josiah Walls was elected to serve in Washington. Mrs. MEEK and Ms. BROWN are the first African-American Congresswomen ever to serve our State.

My friends, this is not a fable of the Reconstruction. This is a story of struggle and liberation, this, is the American Dream.

Although my term in this House occurs 125 years after his, Joseph, and I have much in common. While in Congress, Representative Rainey was a very active proponent of civil rights legislation, including the integration of schools. He delivered effective speeches on the enforcement of the 14th amendment and the Ku Klux Klan Act.

The Congressman fought to broaden educational opportunities, believing that Federal aid for education was important to all Americans, regardless of race or region. It is this message that he would probably deliver to the majority in Congress today. Mr. Rainey was fiercely loyal to party and to cause.

And so, Mr. Speaker, it is with great pride that I honor Mr. Joseph Hayne Rainey, the first African-American Member of Congress.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to the gentleman from New Jersey, Congressman DONALD PAYNE, for reserving this special order. DON is doing an outstanding job as chairman of the Congressional Black Caucus. As a founding member of the CBC, I am particularly pleased to join Congressman PAYNE and others as we pay tribute to an individual who was a political trailblazer, and who left his mark on the Halls of Congress and this Nation.

On December 12, 1870, Joseph Hayne Rainey was sworn as a Member of the 41st Congress. In this context, he became the first African-American to serve in the U.S. House of Representatives. He served in this legislative body until March 3, 1879. We gather today, on the 125th anniversary of his significant swearing-in, to recognize the contributions of Joseph Hayne Rainey.

Mr. Speaker, Joseph Rainey's swearing-in was particularly historic in light of the fact that just 2 years earlier, in 1868, a black American was elected to the House of Representatives, but was denied his seat. On November 3, 1868, John Willis Menard was elected to the House of Representatives from the Second Congressional District of Louisiana. Although his credentials were certified by the Governor of that State, Menard's seat was successfully contested and declared vacant on February 27, 1869. As a consequence, John Willis Menard was never permitted to sit in the Congress to which he had been elected. Prior to his departure from the House of Representatives, John Menard because the first black American to deliver a speech on the floor of the House.

History records that America's first black Senator suffered a similar experience. Hiram Revels was elected to the U.S. Senate on January 20, 1870, to fill the unexpired term of Jefferson Davis. Mr. Revels suffered a bitter debate over his right to be seated in the Senate. He faced baseless charges, including the charge that by virtue of his former condition of slavery, that he had not been a U.S. citizen the required 9 years. On February 25, 1870, almost a year to the day after the refusal of the House of Representatives to seat John Menard, Hiram Revels won his seat in the Senate.

It was in this type of setting that Joseph Hayne Rainey entered the Halls of Congress to represent his South Carolina district. Joseph Rainey was born in Georgetown, SC. His father was a barber who brought the freedom to his family. Rainey began his political career as a member of the executive committee of the Republican Party in that State. In 1870, Joseph Rainey was elected to fill the unexpired term of Congressman B.F. Whittenmore. Thus, he became the first black American to be elected and serve as a Member of the U.S. House of Representatives.

In the Congress, Joseph Rainey served with distinction as a member of the Freedmen's Affairs Committee, the Select Enrolled Bills Committee, and the Celebration of Proposed National Census of 1875 Committee, just to name a few. History records that Joseph Rainey was a skilled legislator and orator. He made impressive speeches on the House floor in favor of legislation to enforce the 14th amendment and the Civil Rights Act. Joseph Rainey also fought to expand educational opportunities. it was his belief that this was not an issue involving region or color, but an issue of great national importance.

Joseph Hayne Rainey served in the U.S. Congress until his retirement on March 3, 1879. Following his tenure in Congress, he was appointed as a special agent of the Treasury Department for South Carolina. He died in his hometown of Georgetown, SC, in 1886.

Mr. Speaker, as we gather in the House Chamber today, we pay tribute to Joseph Hayne Rainey. He and many others were trailblazers for the generations of black elected officials who have followed in their path. I applaud our good friend, Congressman DONALD PAYNE, for calling this special order to acknowledge the contributions of Joseph Hayne Rainey. It is certainly fitting and appropriate that we do so.

Ms. ROS-LEHTINEN. Mr. Speaker, I join my colleagues in this tribute to the public service of the Honorable Joseph Rainey of South Carolina, who was sworn in as a Member of the House of Representatives 125 years ago.

I congratulate Congressman DONALD PAYNE, chairman of the Congressional Black Caucus, for organizing this special order in honor of Congressman Rainey.

Born in slavery in 1832, Congressman Rainey joined the Republican Party at the end of the Civil War, and in 1870 was elected to the South Carolina State senate. That same year, a vacancy in the U.S. House of Representatives presented Joseph Rainey with the opportunity to accept the Republican nomination for the First Congressional District in South Carolina. He defeated Democrat C.W. Dudley, and was sworn in as a Member of this House on December 12, 1870.

Congressman Rainey was reelected in 1872, again in 1874, and in 1876. It was only after the tragic political compromise of 1877, in which the rights of black Americans were sacrificed to political expediency, that Congressman Rainey's political career faded. After Federal troops withdrew from the South, the protection of all voter's rights to vote became impossible. The party of Abraham Lincoln was no longer able to protect Congressman Rainey in the increasingly polarized South that emerged after the reconstruction era ended. Mr. Rainey lost the election of 1878, and was never again to serve in public office.

I am proud to be a member of Mr. Rainey's party, and proud of our heritage of racial justice and political courage. Since Mr. Rainey's service in the Congress, we have made great strides toward our goal of making the House of Representatives into a house that truly represents the American people.

We were able to make those strides only because of the political and personal courage of our predecessors in public office. When one studies the social conditions of the late 19th century in a small southern city like Washington, DC, one knows that Mr. Rainey must have been a man of great personal courage and strength.

May we here today always strive to live up to his example.

Mr. SANFORD. Mr. Speaker, 125 years ago today one of my predecessors in the First District of South Carolina, the Honorable Joseph Hayne Rainey, was sworn in as the first African-American Member of the U.S. House of Representatives. I am proud to carry on his tradition of service to our area of South Carolina.

Representative Joseph Hayne Rainey was born in Georgetown, SC in 1832. Although having limited education he became a leader in post-Civil War South Carolina. And, in 1867, Representative Rainey became a member of the executive committee of the newly formed Republican Party of South Carolina. He served as a delegate to South Carolina's constitutional convention, and was later elected to the State senate. In 1870 he was elected to fill a vacant seat in the U.S. House of Representatives and served until 1879.

While in the House of Representatives, he impressed many people with his floor speeches on behalf of the enforcement of the 14th amendment and the civil rights bill. He was a fervent believer in equal rights for all citizens.

But this is what anyone could find out, as I did, through reading the brief biographical sketches that exist of Representative Rainey. What particularly struck me was that Representative Rainey was a man of conviction. He is described, in one of these sketches, as a man who stuck to his principles and was known as a courteous debater who defended his position not through arrogance, but through persuasion. In this respect, I seek to emulate him.

I was also impressed by the fact that Representative Rainey after leaving the House served again in South Carolina and then returned to Washington to work in the banking and brokerage business. In this sense, he also represented what I seek to be, a citizen legislator. And I am honored to be able to follow in his footsteps as a representative of the First District of South Carolina.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.